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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 68/137, focuses on the problem of violence against women migrant workers. It highlights the impact on women migrant workers of legislation, policies and programmes implemented by Member States and concludes with recommendations for future action.

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I. Introduction

1. In its resolution 68/137 on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report on the implementation of the resolution to it at its seventieth session, taking into account updated information from the organizations of the United Nations system, as well as the reports of special rapporteurs that refer to the situation of women migrant workers and other relevant sources, such as the International Organization for Migration, including non-governmental organizations. Recognizing that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, it called upon Governments to take measures to protect women migrant workers and provide assistance to them to prevent violence, enhance access to justice, improve data collection and enhance bilateral, regional, interregional and international cooperation.

2. The present report responds to the call for action contained in that resolution and covers the period from July 2013 to June 2015 following the submission of the previous report on this topic (A/68/178). Following the General Assembly Declaration on the Elimination of Violence Against Women (resolution 48/104), violence against women is understood to encompass, but not be limited to: (a) physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; (b) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and (c) physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. The present report incorporates submissions from 21 Member States[1] and three United Nations entities[2] to address violence against migrant women workers in the household, the workplace and the public sphere. It draws on concluding observations, general recommendations and comments of human rights treaty bodies, reports by special procedures mandate holders of the Human Rights Council and other relevant sources. The report provides the context within which the issue of violence against women migrant workers may be considered and is based, inter alia, on information received from Member States, entities of the United Nations and other organizations.

[1] Twenty-one submissions were received by 24 June 2015 (from Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, China, Germany, Greece, Italy, Jamaica, Japan, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Qatar, Singapore, Sweden, Togo, and the United Arab Emirates).

[2] The International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the United Nations Entity for Gender Equality and the Empowerment of Women.

II. Context

3. Women constitute approximately half of the 247 million people who live and work outside their country of birth.[3] Data from 2013 suggest that women constitute 52 per cent of international migrants in Europe and in Latin America and the Caribbean, 51 per cent in North America, 50 per cent in Oceania, 46 per cent in Africa and 42 per cent in Asia.[4] South-South migration is heavier than South-North migration in terms of migrant stock at 34 per cent, and accounts for 34 per cent of remittances.[5]

4. Migration has the potential to foster more equitable, inclusive and sustainable growth and human development for both countries of origin and destination. Evidence continues to show that migration is an expression of women's agency at the household and community levels that can yield positive benefits by enabling women to work and earn an income, to acquire new skills and to contribute to sending and receiving communities.[6] The opportunities that migration offers for women's empowerment, improved family well-being and social and economic development depend, however, on the alignment of migration and labour policies and institutional and public responses to women migrant workers and their families with the international human rights standards that are embodied in international human rights treaties, including instruments of the International Labour Organization (ILO).

5. Despite the potential gains from migration, women face specific vulnerabilities in the migration process. During the reporting period, the vulnerabilities documented for migrant women workers highlight increasingly complex migration contexts and channels, rising South-South migration and mixed flows of migrants, where refugees and labour migrants find themselves using similar precarious routes to enter more developed countries, and seek work in similar sectors and occupations.[7]

6. Migrant women workers may be disproportionately vulnerable to abuse based on economic, gender, ethnic and immigration status; those factors are likely to compound each other, with low skilled, indigenous women experiencing cumulative exclusions and vulnerabilities.[8] Women's lack of access to full and reliable information about legal channels of migration and terms and conditions of work makes them vulnerable to unscrupulous recruiting agents and traffickers and puts them at risk of physical, emotional and sexual violence at the hands of recruiting

[3] See http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf.

[4] See the wallchart on international migration policies for 2013, prepared by the Population Division of the Department of Economic and Social Affairs of the Secretariat of the United Nations. Available from www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf.

[5] See Dilip Ratha, World Bank, "Leveraging migration and remittances for development", presentation made at the Global Migration Group symposium. Available from www.globalmigrationgroup.org/uploads/news/2011-symposium/Migration_and_Youth_Ratha.pdf.

[6] See K. Choon Yen, M. Platt, B. Yeoh, and T. Lam. 2015. "Structural Conditions and Agency in Migrant Decision Making: A Case of Domestic and Construction Workers from Java, Indonesia Migrating out of Poverty", p. 17.

[7] See report of the Special Rapporteur on the human rights of migrants, A/HRC/29/36, para. 55.

[8] See http://www.doctorswithoutborders.org/sites/usa/files/Trapped_at_the_Gates_of_Europe.pdf.

agents, employers and public officials, in addition to hindering access to justice for survivors of violence. This vulnerability is further heightened for adolescent girls.[9]

7. Recent trends point to a continued and rising demand for women migrant workers in the care economy in host countries where they carry out a wide spectrum of activities necessary for the reproduction and maintenance of human life and well-being in the labour importing economies.[10] In a globalized world, the labour that migrant women provide to the care economy fills the deficit left by lack of affordable public care services, health sector cut-backs, gaps in care provision caused by increased participation of women in the labour market, demographic shifts in ageing societies and lifestyle changes in wealthier countries.[11] The demand for care work appears to be rising in host countries, where the failure to resolve care deficits and secure public provision of care has increased the demand for informal care work, particularly in the private sphere. Women who perform domestic work are particularly vulnerable to abuse because of the unequal power relations they face while engaging with labour brokers and employers, and because they have limited access to information and their autonomous movement outside private homes is restricted in many receiving countries.[12] Up-front recruitment costs are commonly passed on to the employer, who can withhold payment of wages until they consider that the full debt is repaid, which effectively creates debt bondage employment.[13] Care workers routinely face serious human rights abuses owing to the invisible nature of their workplace. Those abuses frequently include physical, psychological and sexual violence, forced labour, salary that is withheld or not paid at all, excessively long hours, no guaranteed weekly day of rest, limited access to health services, lack of freedom of movement and withdrawal of personal belongings.[14] They are also often excluded from labour legislation and social protection, including, inter alia, in relation to their freedom of association and the right to collective bargaining.[15]

8. The gender-based vulnerabilities to which women are exposed in migration are exacerbated by those gender inequalities and the risk of gender-based violence in their countries of origin (which include sexual abuse, early or forced marriage and female genital mutilation). Those factors may contribute to reasons why many women and girls to seek to migrate.[16] In addition, institutional discrimination in countries of origin, that affect whether women can migrate without male agreement

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[9] See http://www.popcouncil.org/uploads/pdfs/2013PGY_GirlsOnTheMove.pdf, p. 40.

[10] See http://publications.iom.int/bookstore/free/MRS41.pdf, p. 11.

[11] See W. Giles, V. Preston and M. Romero. 2014. "When Care Work Goes Global: Locating the Social Relations of Domestic Work", Ashgate Publishing, Ltd., and H. Lutz. 2012. "Migration and Domestic work: A European Perspective on a Global Theme", Ashgate Publishing, Ltd.

[12] See http://progress.unwomen.org, p. 106 and United Nations Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families. 2011. General Comment No. 1 on migrant domestic workers, p. 2.

[13] See http://asiapacific.unwomen.org/~/media/field%20office%20eseasia/docs/publications/2013/managing%20labour%20migration%20in%20asean%20concerns%20for%20women%20migrant%20workers.pdf, p. 19. See http://apwld.org/wp-content/uploads/2013/09/New-Slave-in-the-Kitchen-Debt-Bondage.pdf.

[14] See http://www.unwomen.org/en/digital-library/publications/2013/12/gender-on-the-move, p. 178.

[15] See http://progress.unwomen.org, p. 34; and http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

[16] G. Ferrant and M. Tuccio. South-South Migration and Discrimination Against Women in Social Institutions: A Two-way Relationship. *World Development* 2015, Vol. 72, pp. 240-365, p. 242.

or determine the age at which they are allowed to migrate, can also restrict migration choices for women, increasing the likelihood that women seek informal, undocumented, and thus more unprotected and insecure, routes for migration.

9. Women with irregular migration status are particularly vulnerable to exploitation, violence and abuse.[17] Where policy and legal frameworks (in combination with programmes to facilitate women's regular migration), are lacking or insufficient, women's vulnerability in the migration process can be significantly heightened. Various factors may drive women to use smuggling networks to facilitate irregular movement, including the high cost of migration, bans or restrictions on women's migration, a lack of independent migration opportunities for women and regular entry channels, and sharply rising demand in labour markets in countries of destination. Movement by irregular means may also increase women's vulnerability to trafficking.

10. The lack of safe and regular migration channels often propels migrants into the hands of smugglers, where they lose their freedom of movement and decision-making power, leaving them in complete control of smugglers. In those contexts, women migrants are often raped and forced into sexual servitude to repay "debts". Kidnapping of migrants by traffickers for ransom along certain routes has been reported in the Horn of Africa and in the Central America-Mexico Corridor to North America.[18] Kidnapped women migrants experience high levels of violence and torture, including sexual abuse and gang rapes, often over extended periods of time.[19] The disappearance of women and girls is frequent. Health officials in Yemen reported that 9 out of 10 irregular migrant women they treated had experienced sexual violence.[20] A lack of legal status in countries of transit and destination means that those who are victims of abuse, exploitation and violence face greater challenges prosecuting their abusers. Undocumented migrant women also face greater challenges in accessing basic social rights, which in turn increases their vulnerability to violence.[21]

11. A disturbing trend that appears to be increasing is that of the sexual exploitation of migrant women.[22] Another identifiable change in women's migration patterns that is increasingly being documented is the rise in both the numbers and the proportion of women using dangerous routes that were previously the preserve of male migrants. The numbers of women and children dying as they cross deserts

[17] United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. 2013. General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, p. 8.

[18] See https://www.iom.int/news/iom-and-mexicos-national-human-rights-commission-sign-cooperation-agreement-fight-human and https://www.iom.int/news/irregular-migration-sea-horn-africa-arabian-peninsula-increases.

[19] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, pp. 120, 122.

[20] See http://www.hrw.org/report/2014/05/25/yemens-torture-camps/abuse-migrants-human-traffickers-climate-impunity.

[21] See http://picum.org/picum.org/uploads/publication/Double%20Violence%20Against%20Undocumented%20Women%20-%20Protecting%20Rights%20and%20Ensuring%20Justice.pdf, p. 15.

[22] See report of the Special Rapporteur on the human rights of migrants. http://www.ohchr.org/Documents/Issues/SRMigrants/A.HRC.26.35.pdf (3 April 2014) p.10, 13, 14 and http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

or the sea is increasing.[23,24] Women migrants taking those dangerous routes may also be subjected to violence en route by other migrants, or by the smugglers or security officials.[25] When smugglers transport migrants by boat, incidents of sexual violence against women and sexual slavery of women have been reported.[26] This is increasingly a problem for female migrants from the Horn of Africa, particularly in the context of kidnapping and extortion, and is well documented.[27] For female migrants from West Africa, sexual abuse appears to be systematic and opportunistic in terms of smugglers and officials who abuse their power while moving or encountering migrants; in some cases, women and girls are forced into short- or medium-term sexual servitude. In this instance, smuggling can become trafficking.

12. Women and girls are particularly vulnerable to abuse, violence and even death along irregular migratory routes.[28] The recent deaths in the Mediterranean Sea and Pacific Ocean underscore that migrant women are increasingly at risk along those routes. While there seems to be no sex-disaggregated data on the female death rate of migrants at sea,[29] it is known from other similar events (such as tsunamis, hurricanes and floods) that women and girls are less likely to know how to swim and are therefore at higher risk of drowning in cases of emergency, such as shipwrecks. In addition, women tend to bear the main responsibility for looking after children, which makes it even more difficult for women to survive during emergencies at sea.[30]

13. As reported by the Special Rapporteur on the human rights of migrants, while the relationship between irregular migration status and labour market abuses is complex, the former will tend to increase the vulnerability of the latter.[31] Abusive working conditions are characterized by forced labour,[32] disproportionately low wages, exclusion from minimum wage coverage, excessively long hours of work, insufficient rest periods and leave,[33] and restrictions on movement and association. During reporting period, the number of times the rights of migrant women workers have been explicitly cited in the ILO report of the Committee of Experts on the

[23] See http://www.iom.int/oped/desperate-womens-dangerous-moves.

[24] According to UNHCR, over 3,400 people died or went missing in 2014 and 470 persons died or went missing in the first quarter of 2015 while attempting to cross the Mediterranean, see http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf.

[25] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, p. 111.

[26] See report of the Special Rapporteur on the human rights of migrants (8 May 2015), A/HRC/29/36, para. 31.

[27] Ibid.

[28] Pickering, S. and B. Cochrane. 2013. "Irregular border-crossing deaths and gender: Where, how and why women die crossing borders", Theoretical Criminology 17(1):27-48.

[29] See the report of IOM on missing migrants, available at http://missingmigrants.iom.int/.

[30] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf, p. 191.

[31] See report of the Special Rapporteur on the human rights of migrants (A/HRC/29/36), para. 56.

[32] Of the estimated 21 million people in forced labour, over half (11.4 million) are women and girls, see http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm.

[33] According to ILO, 44.9 per cent of the world's domestic workers are not entitled to any weekly rest, see http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf.

Application of Conventions and Recommendations, although lower than the previous peak of 10 in 2012 and 2011, has risen from 7 in 2014 to 9 in 2015.[34]

14. The human rights and human development aspects of women's migration have not yet been adequately integrated into national, regional and international development policy and practice, such as poverty reduction and development strategies.[35] This impedes the full recognition and maximization of contributions by migrant women workers to development, hinders their protection from violence, and hampers their access to assistance and justice. The sustainable development goals, as proposed, do, however, offer the potential to integrate women migrant workers as a group of interest and disaggregation — enabling governments to monitor and track progress towards their full equality.

III. Global legal and policy development and intergovernmental meetings

15. Legal, policy and normative development to protect migrant women workers has continued through the adoption of conventions, resolutions and recommendations by United Nations intergovernmental and expert bodies. Among them is the 2013 High-level Dialogue on International Migration and Development on the theme "Making migration work", held on 3 and 4 October 2013 in New York.[36] The high-level dialogue identified that, while women migrant workers contributed significantly to the economic and social development of the countries of origin and destination, they also face risks of exploitation and abuse throughout the migration process. Delegates to the dialogue called for measures that provide access for women to services that prevent violence, and also the adoption of measures to protect women migrant workers from violence. Representatives of civil society who were present at the dialogue also identified the need to address violence and abuse associated with the crossing of borders by women migrant workers. Of significance for migrant women workers is ILO Convention No. 189 (2011) concerning decent work for domestic workers, which entered into force in 2013, and its Recommendation No. 201 that extends basic labour rights to domestic workers, including those in private households, who are without clear terms of employment and who are unregistered and excluded from the scope of labour legislation. This Convention stresses the duty of States to exercise due diligence in effectively eliminating child labour and set a minimum age for domestic workers. The Committee on Migrant Workers General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families (see CMW/C/GC/2 (28 August 2013), p. 8) also highlights particular concerns about violence against migrants. Under the section on protection of civil and political rights, the general comment addresses protection against violence, specifically identifying the need for States to prohibit, investigate, prosecute and punish such violence. The same general comment also calls for States to provide training for officials to enable them to identify and

[34] See http://www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_343022/lang--en/index.htm/.

[35] See http://www.adb.org/sites/default/files/publication/42818/asean-community-2015-managing-integration.pdf.

[36] See the report of the Secretary-General on international migration and development (A/69/207).

respond to incidents of violence against irregular migrant workers and to monitor the situation.

16. The Office of the United Nations High Commissioner for Human Rights (OHCHR), through the Recommended Principles and Guidelines on Human Rights at International Borders, calls for responses to the violation of human rights of migrants. (See A/69/277 and A/69/CRP.1). Member States have taken note of the Principles and Guidelines on the protection of migrants and on migrant children and adolescents in General Assembly resolutions. The Principles and Guidelines call for States to ensure: that all migrants who have suffered human rights violations or abuses have access to justice; that border authorities do not presume that women are necessarily vulnerable or lack agency; that maternal care is provided to women who are pregnant or breastfeeding; and that allegations of violence are investigated and prosecuted and that women receive support in reporting such abuse.

17. The Commission on the Status of Women adopted at its fifty-eighth session agreed conclusions on the challenges and achievements in the implementation of the Millennium Development Goals for women and girls (E/CN.6/2014/L.7), in which women migrants were identified as requiring targeted attention. The conclusions called for States to promote and effectively protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and to avoid approaches that might aggravate their vulnerability.

18. Since the finalization of the previous report of the Secretary-General (A/68/178), the Human Rights Council has adopted several resolutions (23/20 of 14 June 2013, 23/25 of 14 June 2013, and /26/19 of 26 June 2014) that deal with violence against women migrant workers, migrant children and their access to justice. In the various resolutions, the Council reaffirmed that that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, including the right to life, liberty, and security of person, wherever the person is and regardless of his or her immigration status. Expressing deep concern at the large and growing number of migrants, including women and children, who have lost their lives in attempting irregular border crossings, and recognizing the obligation of States to protect and respect the human rights of those attempting irregular border crossings, the Council urged States to take practical steps to ensure women's access to justice. Extending the mandate of the Special Rapporteur on the human rights of migrants for a period of three years, the Council detailed that States should take into account a gender perspective when requesting and analysing information, and should give special attention to the occurrence of multiple forms of discrimination and violence against migrant women. The Council also urged Governments to consider inviting the Special Rapporteur to visit their countries.

19. The human rights treaty bodies established under the international human rights treaties continued to take up the situation of violence against women, including migrant women.

20. On 7 April 2014, during a half day of general discussion at OHCHR on workplace exploitation and protection, the Committee on the Protection of the

Rights of All Migrant Workers and Members of Their Families heard statements from a number of trade unions, non-governmental organizations and the Special Rapporteur on the human rights of migrants. The Special Rapporteur confirmed that migrants were at heightened risk of exploitation and abuse in the workplace owing to: deceptive recruitment practices, both by employers and intermediaries; lack of administrative, legal or social support; unfamiliarity with the local culture and language; their rights at work; debt bondage; legal status; restricted freedoms; and family pressure. The same presentation underscored that labour inspections were an important tool to prevent and combat violations of human rights committed against migrants in the workplace. It was identified that the criminalization of irregular entry and imposition of immigration control duties on labour inspectors could impede the effective protection of migrants and intimidate migrants from denouncing abusive working conditions.[37]

21. Special rapporteurs of the Human Rights Council highlighted the need to address the vulnerabilities of migrant women workers and, in particular, domestic workers. The Special Rapporteur on the human rights of migrants drew attention to the particular needs and vulnerabilities of migrant domestic workers, noting that migrant domestic workers, the majority of whom are women and girls, are extremely vulnerable to incidents of violence and abuse. He emphasized the importance of ILO Convention 189 on decent work for domestic workers, which clearly recognizes domestic work as work (A/HRC/26/35 and Adds.1 and 2) and ensures that migrant workers can access rights from which they are currently excluded. The Special Rapporteur on trafficking in persons, especially women and children, highlighted the importance of efforts to prevent migrant workers from being trafficked into supply chains. She also drew attention to the fact that trafficked persons can be exploited in multiple ways, emphasizing the compounded effects of various types of exploitation that disproportionately affect women. For instance, in the agriculture sector, women trafficked for labour exploitation who work in the fields during the day are often sexually exploited at night by fellow workers and/or brokers and intermediaries (see A/HRC/29/38, para. 50). She also referred to the importance of ILO Convention No. 189 on decent work for domestic workers.

22. The Global Forum on Migration and Development continued to address gender equality and issues of women's rights issues relating to migration, placing particular emphasis on the rights of migrant domestic workers. In 2015, the forum, with the representative of Turkey as its chair, held a Thematic Meeting on Migration in the post-2015 United Nations development agenda, addressed concerns about promoting decent work for migrant workers and reducing their vulnerability to exploitation. Among the sustainable development goal targets and indicators discussed as proposed, was draft target 8.8 on "protecting labour rights and promoting safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment".[38]

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[37] See presentation by the Special Rapporteur on the human rights of migrants on the workplace exploitation of migrants, to the Committee on Migrant Workers, General Discussion, 7 April 2014.

[38] Available from https://sustainabledevelopment.un.org/content/documents/7603Final%20draft%20outcome%20document%20UN%20Sept%20Summit%20w%20letter_08072015.pdf.

23. The Third International Conference on Financing for Development in its outcome document also made a number of references to migration and stated that: "We reaffirm the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status" (A/CONF.227/L.1, para. 111).

IV. Measures reported by Member States

24. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant workers, including efforts to adhere to the provisions of international instruments, enhance national legislation, improve migration and labour policies, collect data, undertake research, put in place preventive measures and measures to protect and assist victims of violence, and establish bilateral and multilateral cooperation. The reported efforts and measures taken to address violence against migrant women workers responded to the key elements of the recommendations set out below. Noting the links between violence and discrimination against women migrant workers and trafficking in women and girls, and the increasingly mixed composition of migration flows, States also provided information on safe migration initiatives and anti-trafficking policies and programmes.[39]

A. International instruments

25. A robust international legal and policy framework guides States, including in terms of their bilateral and multilateral collaboration to protect women migrant workers. With particular reference to the protection of migrant workers, the Special Rapporteur on the human rights of migrants has encouraged all states to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the ILO Fundamental Conventions and the Migrant Workers (Supplementary Provision) Convention (C.97 and C.143), the Private Employment Agencies Convention (C.181) and the Domestic Workers Convention (C.189) concerning decent work for domestic workers (see A/HRC/26/35 and Adds. 1 and 2, paras. 75 and 76). Since the previous report of the Secretary-General (A/68/178), the number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has increased. As at 23 June 2015, 185 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime (up from 176 in 2013), 167 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (up from 156 in 2013), and 141 States had ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (up from 137 in 2013). Of the reporting States, all have ratified the Convention, while Qatar has acceded to it and Japan is a signatory.

[39] See the reports of the Secretary-General to the General Assembly on trafficking in women and girls (A/55/322, A/57/170, A/59/185 and Corr.1, A/65/209, A/67/170 and A/69/224).

26. The Trafficking in Persons Protocol has been ratified by Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Sweden and Togo, while China, Qatar and the United Arab Emirates have acceded to it and Japan is a signatory.

27. The Smuggling of Migrants Protocol has been ratified by Australia, Azerbaijan, Bosnia and Herzegovina, Cambodia, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Peru, the Philippines, Sweden and Togo, while Paraguay has acceded to it and Japan is a signatory.

28. As at 23 June 2015, 48 States were parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (up from 46 in 2013). Some States contributing to the present report are parties to relevant ILO conventions. Bosnia and Herzegovina, Germany, Italy, Jamaica, Norway and the Philippines are parties to the Migration for Employment Convention (Revised), 1949 (No. 97); Azerbaijan, Bosnia and Herzegovina, Cambodia, China, Germany, Greece, Italy, Jamaica, Malta, Namibia, Norway, Paraguay, Peru, the Philippines, Qatar, Sweden, Togo, and United Arab Emirates are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Bosnia and Herzegovina, Italy, Norway, the Philippines, Sweden and Togo are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Bosnia and Herzegovina, Italy and Japan are parties to the Private Employment Agencies Convention, 1997 (No. 181).

29. On 5 September 2013, the Domestic Workers Convention, 2011 (No. 189) came into force. The Convention proposes measures to protect and promote the labour and human rights of domestic workers. As of 23 June 2015, 21 countries had ratified the Convention (up from eight in 2013), including Germany, Italy, Paraguay and the Philippines from among the reporting states. The Convention on the Elimination of All Forms of Discrimination against Women has been ratified by 189 States, with all of the reporting parties having ratified or acceded to it.

30. Adherence to regional instruments tackling violence against women can also contribute to preventing and combating violence against women migrant workers. For example, Bosnia and Herzegovina, Germany, Greece, Italy, Malta, Norway and Sweden have signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Following its tenth ratification on 22 April 2014, it entered into force on 1 August 2014. Cambodia, Singapore and the Philippines are working with States members of the Association of Southeast Asian Nations (ASEAN) to conclude an instrument on implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, targeted for completion by 2015.

B. Legislation

31. Legal frameworks have been adopted by States to protect women migrants, women migrant workers, undocumented women migrants and asylum seekers from violence and discrimination. Such measures range from constitutional provisions to laws and regulations. Measures that can provide protection to women migrant workers can be found in different sections of national legislation, including legislation responding to violence against women, employment conditions,

immigration, and specific legislation that governs the protection of migrants and prevents trafficking.

32. States (Cambodia, China, Jamaica, Japan, Namibia, Norway, Peru, Qatar, Singapore and Sweden) have reported that the provisions of their penal codes that address violence against women, including domestic violence, sexual harassment, rape and sexual exploitation, offer protection to all women, including migrant workers. Some States, however, have introduced legislation, articles or penalties that respond specifically to violence against migrant workers; Singapore has introduced a specific penalty for abuse of foreign domestic workers.

33. Anti-trafficking legislation provides protection to women migrant workers in the worst cases of exploitation and abuse. Cambodia, Italy, Jamaica, Peru and the Philippines reported developing and implementing specific legislation on identification of cases and prevention of trafficking. Jamaica reported that it had expanded the definition of exploitation under its law to include debt bondage. Legislation also provides for services that are available for victims of trafficking, including their care post-repatriation.

34. Labour laws that comply with international labour and human rights standards can effectively protect women migrant workers against discrimination, exploitation and violence. Azerbaijan, Cambodia, Germany, Jamaica, Japan, Namibia, Peru, Singapore, Sweden and the United Arab Emirates reported on such provisions in their labour laws (the labour law of Singapore responds to domestic workers). Some States reported on the inclusion of specific provisions that increase the safety of women migrant workers. For example, Jamaica is drafting occupational safety and health legislation that will directly address violence and abuse against women migrant workers by making provisions for the inspection of the workplaces of domestic workers. Azerbaijan, Jamaica, and Peru also ensure that migrants have equal access to social protection, including contributory pension schemes and health care. The labour migration legislation of Sweden provides for equal opportunities for men and women and does not exclude occupations, and provides access to welfare for migrant workers with work permits for over one year. Qatar and the United Arab Emirates are introducing laws specific to domestic workers, which will seek to increase protection of migrant domestic workers.

35. Regulation of recruitment processes can prevent the exploitation of women migrant workers and protect them and protect them from abuse. Certain States, including Azerbaijan, Cambodia, Germany, Jamaica, Peru, Philippines, Singapore and the United Arab Emirates, have reported the enactment of regulations that govern and regulate the process of recruitment and contracting of migrant workers, and that regulate recruitment agencies and employers. Those measures are consistent with the recommendations of the Special Rapporteur on the human rights of migrants to improve the recruitment process through effective regulation of private recruitment agencies (see A/HRC/26/35, para. 72).

36. Cambodia, Germany, Jamaica, Peru, the Philippines, Singapore, Sweden and the United Arab Emirates have reported initiatives that seek to increase resource allocation to the issue of women migrant workers. In particular, Azerbaijan, Cambodia, Greece, Jamaica, Namibia and the United Arab Emirates have reported on the provision of capacity development to government officials on the formulation of legislation that responds to the particular needs and vulnerabilities of women migrant workers.

C. Policies

37. Many States have reported on the adoption of national policies that express commitment to the protection of women migrant workers, with strategies to prevent their exploitation and abuse. Cambodia, Jamaica, Paraguay, Peru and Sweden have reported on the adoption of policies on migration to prevent the abuse and exploitation of all women, including foreign workers, and to promote gender equality. Bosnia and Herzegovina, Cambodia, Greece, Italy, Jamaica, Peru and Namibia have reported on the adoption of national policies and strategies to combat violence against women and children that respond to migrant women.

38. Policies and strategies on employment also provide protection for migrant women workers, as reported by Bosnia and Herzegovina, Peru and Italy. The policy adopted by Bosnia and Herzegovina provides an obligation to collect sex-disaggregated data relating to employment and also includes provisions on preventing illegal employment. In Azerbaijan and Peru, labour inspection services have been put in place to prevent the abuse of migrant women workers.

D. Data collection and research

39. Critical to the development of evidence-based policies is investment in filling data gaps (see A/HRC/29/36, para. 99). The lack of data on incidents of violence against migrant women, however, remains a concern. The data collected by States ranged from information on employment, violence against women and immigration. Cambodia, Jamaica, Paraguay and the Philippines reported having collected sex-disaggregated data on emigration.

40. Certain States (Bosnia and Herzegovina, Jamaica, Italy, Malta, Peru and the Philippines) have reported the adoption of new approaches to data collection that may increase information on migrant women workers. For example, Bosnia and Herzegovina has adopted guidelines on the methods of data collection alongside a database for the purpose of protecting the rights of vulnerable groups, including migrant women.

41. Some States (Bosnia and Herzegovina, Italy and Namibia) have reported on the collection of data on violence and discrimination against women, in general, that also included migrant women workers.

42. A number of States (China, Bosnia and Herzegovina, Japan, Malta, Namibia, the Philippines, Togo and the United Arab Emirates) reported that they have undertaken research, both within the Government and in partnership with non-governmental stakeholders, on issues connected to violence against women, trafficking and labour migration, and trafficking of minors for work and domestic service.

E. Preventive measures, training and capacity-building

43. Prevention strategies, such as addressing the pull factors for irregular migration, educating policymakers and the public, training migrants and strengthening labour inspection, are central to tackling violence against women migrant workers and its root causes, including poverty and gender-based

discrimination (as recommended by the Special Rapporteur on the human rights of migrants in A/HRC/26/35, paras. 71, 73, 78, 98 and 101). Several States have reported the adoption of preventive measures to eliminate violence against women (Greece, Italy and Namibia) and human trafficking in general (Bosnia and Herzegovina, Jamaica, Namibia, Paraguay, Peru, the Philippines, Singapore and the United Arab Emirates), while others also included a focus on women migrant workers (Germany, Greece, Jamaica, the Philippines, Singapore, Sweden and the United Arab Emirates). Preventive measures included: public and targeted awareness-raising, including for migrant communities; dissemination of information and education through seminars, human rights education and training, guidebooks, multimedia outlets, posters and flyers. States reported national and subnational awareness-raising campaigns focused on increasing understanding about violence against women and the abuse and exploitation of migrants. In Italy, awareness-raising was the focus at the local level, in schools as well as among trade unions and social partners. Namibia undertook a National Zero Tolerance mass media campaign against gender-based violence. Recognizing the importance of the work of non-governmental organizations and women's groups in generating and disseminating information on the prevention of the exploitation and abuse of women migrant workers, certain States, including Greece, Jamaica and Namibia, reported on the provision of support to those organizations.

44. Many States reported that they had invested in measures to expand the understanding of migrant women workers of conditions of their employment and their rights. Germany, Peru, the Philippines, Singapore and the United Arab Emirates have integrated information programmes and pre-departure training into the recruitment of migrant workers, specifically domestic workers. The Philippines has undertaken a financial competency campaign to promote saving and prevent the exploitation of migrants through financial security. Paraguay works through the Ministry of Labour and Social Security to increase knowledge about rights to and the portability of pensions.

45. Some States (Malta, Peru, Singapore and the United Arab Emirates) have targeted the capacity-building of employers and employment agencies and intermediaries to prevent discrimination and violence against women and migrant workers. Singapore provides employers with guidebooks on their responsibilities and obligations and also requires them to attend a course on the rights of migrants and the responsibilities of employers.

46. Certain States (Germany, Greece, Malta, Peru, the Philippines, Sweden and the United Arab Emirates) have reported on the production of guidelines, the provision of support and the conduct of training programmes for public officials (including the judiciary, police, immigration officials and civil servants) on the identification of migrants at risk and the prevention and protection of migrant women workers from exploitation and abuse. The United Arab Emirates conducts field visits for Government officials to enable them to identify the best solutions in addressing the challenges facing migrant domestic workers.

F. Protection and assistance

47. Migrant women who are survivors of violence need various services to help them to recover from their abusive experience and to ensure that violence is not

repeated. Several States (Bosnia and Herzegovina, Germany, Greece, Jamaica, Norway, Paraguay, Peru, the Philippines, Qatar, Singapore and the United Arab Emirates) have reported that they had put into place services and mechanisms to protect that group of women, including making information services available to survivors of violence. Such services took the form of multilingual telephone hotlines and e-mail addresses and the provision of information on shelters, dormitories, legal aid, health services, compensation and redress. Certain States (Bosnia and Herzegovina, Germany, the Philippines and Singapore) highlighted the importance of establishing partnerships with non-State actors in the provision of those services. Germany, Greece and the Philippines reported on the effectiveness of the results of their service provision.

48. Singapore reported on the integration of services into border controls, providing migrant workers the opportunity to seek assistance from the Immigration and Checkpoint Authority if they were being forcibly removed. The Special Rapporteur on the human rights of migrants has recommended the adoption of further measures, including guaranteeing that migrants have the right to leave employment and pursue claims without threat of penalty; and ensuring that embassies and consulates play an active role in the protection of migrants (A/HRC/26/35, paras. 78 and 83).

49. Other States (Bosnia and Herzegovina, Jamaica, the Philippines and the United Arab Emirates) have reported undertaking capacity- development of government officials and service providers to improve service delivery. Such initiatives focused on the provision of training related to gender-based violence for the judiciary, prosecutors and service providers (Bosnia and Herzegovina, Jamaica and the United Arab Emirates) and the provision of training to the police on the identification and protection of victim (Jamaica and Namibia).

50. Institutional mechanisms in some States deal with abuse of labour rights and improve access to justice, including for migrant domestic workers. Namibia ensures that labour inspectors work closely with social workers to increase their ability to identify cases of non-compliance in relation to the employment of migrant workers. Some countries, including Singapore and the United Arab Emirates, have in place mechanisms to provide information and support to migrant workers on employment disputes. Singapore provides services through its Ministry of Manpower, both directly and via hotline; alternative employment is also offered to victims while cases of trafficking are being investigated.

G. Bilateral, regional, international and other cooperation

51. Bilateral and multilateral cooperation is critical to preventing and tackling violence and discrimination against women migrant workers. In Jamaica, national legislation on the regulation of out migration has largely been supplanted by the use of bilateral country agreements, for example under the circular migration programmes with Canada and the United States. Peru is working with Bolivia (Plurinational State of), Chile, Colombia and Ecuador to combat trafficking and increase access to regular migration channels. The Philippines has a number of agreements through Memorandums of Understanding, including with the Republic of Korea and Japanese institutions, on the settlement of marriage migrants and the provision of support and counselling services to Filipino marriage migrants in the

country of destination. Cambodia has a number of bilateral agreements on trafficking and labour migration with China, Malaysia, Qatar, the Republic of Korea, and Thailand. Togo is working bilaterally with Benin, Ghana and Nigeria to prevent trafficking of women and minors. Reporting States, including Jamaica, the Philippines and the United Arab Emirates, share information with foreign and international institutions to increase identification and prevention of human trafficking.

52. States also cooperate on a multilateral basis within the framework of regional mechanisms, such as the Association of Southeast Asian Nations (ASEAN), the Caribbean Community and Common Market, the Common Market of the South and the Union of South American Nations in South America, or the European Union. Singapore is working with ASEAN on an instrument that will implement the Association's Declaration on the Protection and Promotion of the Rights of Migrant Workers. Jamaica referred to its participation in the Caribbean Forum on Population, Migration and Development in 2013. The United Arab Emirates participated in the Second Academic Meeting of Arab Police on Human Rights in Security Sectors and the third meeting of the United Arab Emirates delegation to the Joint Emirati-European Committee on Human Rights Issues. The United Arab Emirates also reported that it had received a number of delegations from international organizations, including the President of the International Women's Association and a delegation from the Arab Commission on Human Rights from the Arab League. Jamaica, among other reporting States, engaged with global forums on migration and development, including the High-level Dialogue and the Global Forum for Migration and Development.

V. Initiatives of United Nations entities and the International Organization for Migration in support of national efforts

A. Research and data collection

53. The United Nations and related entities support the increased availability of data on migrant women and children, including on violence against them, for example through the establishment of observatories and data-collection processes. ILO has helped to develop the International Labour Migration Statistics Database for ASEAN. The data collected will be sex-disaggregated to enable a more detailed understanding of gender differences in migration decisions and outcomes. In Costa Rica, the registry system of the Labour Inspectorate of Costa Rica was recently updated with support from ILO. The changes included adding indicators on migrant workers, disaggregated by sex. The system will provide data on the type of abuse most commonly committed against migrant men and women. The Office of the United Nations High Commissioner for Refugees continues to collect data on gender-based violence as part of an information management system that enables humanitarian actors to respond to sexual and gender-based violence, including by providing legal assistance. IOM has established a database for tracking migrant fatalities at borders, which aims to disaggregate the data by sex and age.[40]

[40] See http://publications.iom.int/bookstore/free/FatalJourneys_CountingtheUncounted.pdf.

B. Support for legislative and policy development

54. Entities of the United Nations system and IOM have collaborated with national authorities to ensure that laws coherently address protection, assistance and the prevention of violence against women migrant workers and trafficked women migrants. In Cambodia, ILO is working with the Government to require that: recruitment agencies are periodically inspected by the Ministry of Labour; lawyers are provided for migrants engaged in legal proceedings abroad; contracts between agencies and foreign workers are written in the Khmer language and must specify working conditions, job status, types of work to be done, and benefits; and training centres must ensure a decent standard of living. UN-Women is supporting a series of initiatives aimed at increasing protection and improving conditions of employment for millions of foreign workers, including women domestic workers. Measures were agreed upon at the Third Ministerial Consultative Meeting of the Abu Dhabi Dialogue, held in Kuwait in November 2014, including the introduction of a standard employment contract that contains core minimum conditions of decent work to secure the protection of women domestic workers from exploitation, violence and abuse when migrating from Asia to the Gulf States for employment. The standard contract called for was prepared with the technical support and advocacy of UN-Women with member States of the Colombo Process (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka; Thailand and Viet Nam). The standard contract is now being considered by the Cooperation Council for the Arab States of the Gulf.[41,42] ILO, UN-Women and a number of international and national trade unions continued to support the ratification of Convention 189 and Recommendation 201. As of 24 June 2015, 21 member States had ratified the Convention, 13 of which are labour-importing countries.

C. Advocacy, awareness-raising and capacity-building

55. Entities of the United Nations system and IOM continued to support advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers. Those activities include the provision of support to national partners to enhance access by women migrant workers to better employment and recruitment services, including codes of conduct (IOM, UN-Women and ILO). United Nations agencies have developed and disseminated information and raised awareness of the use of legal migration channels and human and labour rights protection for women migrant workers, including domestic workers, through media networks, community alert groups and joint programmes (UN-Women, ILO and IOM). UN-Women has reached out to government ministries to increase women's access to information on safe migration. A compendium of standard operating procedures that sets out the role of relevant government ministries for preventing trafficking of women was accepted in India by the Supreme Court's committee on safe migration and prevention of trafficking in 2014. In Costa Rica, with the support of ILO, the judiciary is carrying out a sensitization campaign for men and women

[41] (The Gulf Cooperation Council is a regional intergovernmental political and economic union comprising all Arab states of the Persian Gulf, except for Iraq). Member states of the Council are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

[42] See http://www.asiantribune.com/node/85968.

migrant workers to raise awareness about their rights, even when in irregular situations.

56. United Nations entities supported national efforts to increase the protection of women migrant workers, including survivors of violence, and increase their access to justice. In Cambodia, the Lao People's Democratic Republic, Malaysia, Myanmar, Thailand and Viet Nam, the Migrant Worker Resource Centres, supported by ILO, enabled those countries to provide information, training, counselling and legal services for migrants before departure, in the destination country and upon return. Those services are either linked directly to government-run employment centres or area run by trade unions and civil society organizations.

VI. Conclusions and recommendations

Conclusions

57. States have taken national, regional and global action to tackle violence and discrimination against women migrant workers and respond to the increasingly complex and mixed migration flows. The changing migration context noted by Member States and United Nations agencies, however, highlights the use of increasingly more dangerous routes by women migrants, including recourse to smuggling, which imperils migrant women workers in transit and increases the likelihood of their insertion into contingent, informal and precarious work in host countries, thereby increasing their vulnerability to violence and exploitation.

58. The number of States parties to relevant international instruments, including the ILO Domestic Workers Convention, 2011 (No. 189), has increased. More Member States have ratified, signed or are part of negotiations on regional instruments dealing with discrimination and violence against women, including against women migrant workers.

59. Bilateral and multilateral partnerships have also been forged, providing a strong basis for tackling discrimination and violence against women migrant workers. However, further detailed legislation and policies that respond to women migrant workers, including domestic workers, and that expand mechanisms and monitoring systems for access to justice are still needed.

60. While more States have made progress in acceding to and implementing global normative and policy frameworks to protect women migrant workers from discrimination and violence, key gaps persist, particularly in the areas of: the development of targeted measures to tackle discrimination and violence against women migrant workers, taking their specific situations into account; the availability of systematic, regular, nationwide collection and dissemination of disaggregated data, including sex-disaggregated data, on violence against migrant workers; research and analysis to inform and evaluate policies and programmes; the provision of information on access to justice to women migrant workers, including on existing challenges and efforts to improve such access; and more systematic reporting on the results, and the impact of laws and policies.

Recommendations

61. States are encouraged to implement the recommendations set out below in order to tackle discrimination and violence against women migrant workers and enhance their access to justice.

62. States should continue to ratify and implement international instruments, with a special focus on the ratification and implementation of the Domestic Workers Convention, 2011 (No. 189) and the associated Recommendation (No. 201) that enshrine fundamental commitments to ensure that domestic workers, including migrant domestic workers, have access to decent work.

63. States should ensure that national laws protect women migrant workers, including domestic workers, that they include robust mechanisms for monitoring, for the registration of complaints and for the resolution of disputes in line with relevant conventions of ILO and United Nations instruments.

64. States should also seek to address the pull factors for women's irregular migration, including the need to resolve care deficits in labour importing countries and to regulate, formalize, professionalize and protect the terms and conditions of employment in care work.

65. States should enhance the collection and dissemination of sex-disaggregated data, and research and analysis on migration and violence against migrant women and violations of their rights at all stages of the migration process, securing access by them to protection and assistance, including access to justice. This includes the collection of sex-disaggregated data on migrant fatalities at international borders.

66. States should continue to work with non-State actors to promote education and awareness-raising, as well as other efforts to prevent violence. Trade unions and civil society actors should be encouraged and enabled to work with migrants to increase the capacity of migrant workers to understand their rights and to report abuses. Labour ministries and the private sector can also work with recruitment and employment agencies and employers to change the approach that is taken to women migrant workers. Greater amounts of information should be shared with the media, public officials and the general population in both origin and destination countries to ensure that knowledge is available and that services are appropriately tailored to the target groups.

67. States should strengthen support systems for victims of violence that are linguistically and culturally appropriate and that ensure their access to those services in accordance with human rights standards, regardless of their immigration status. Such support should include: provision of information on the rights of women migrant workers; hotlines; monitoring; dispute resolution mechanisms; legal aid; psychological, health and social services; and access to shelters.

68. States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers.

69. The United Nations system and related entities should continue their efforts to strengthen partnerships with all stakeholders, including civil society organizations, cooperatives and unions that support women migrant workers.

They should coordinate their work in support of the effective implementation of international and regional obligations and normative standards, enhance their impact and strengthen positive outcomes for women migrant workers. In addition, they should seek to ensure that migration and the rights of migrants rights are adequately reflected in upcoming inter-governmental processes, particularly the sustainable development goals, particularly in those goals and targets that relate to reducing poverty and lowering inequalities, improving employment and labour rights, and achieving gender equality and peaceful societies.

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The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 69/123. It highlights United Nations rule of law developments and activities at the national and international levels over the past year, and includes illustrative examples of the broad range of work covered by the United Nations entities that are members of the Rule of Law Coordination and Resource Group. The report emphasizes developments related to the role of multilateral treaty processes in promoting and advancing the rule of law, the subtopic chosen for consideration at the seventieth session of the General Assembly under agenda item entitled "The rule of law at the national and international levels". Pursuant to paragraph 15 of resolution 69/123, the report includes an analytical summary of the thematic debates on the rule of law held at the sixty-first to the sixty-eighth sessions of the General Assembly.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/123. It contains information on the work of the Rule of Law Coordination and Resource Group, its members, and the Rule of Law Unit. Pursuant to paragraph 15 of the resolution, an analytical summary of the thematic debates on the rule of law held from 2007 to 2013 is annexed to the report.

II. Promotion of the rule of law at the international level

A. The role of multilateral treaty processes in promoting and advancing the rule of law

2. From the outset of their work at the Organization, Member States have emphasized the crucial importance of a comprehensive and robust international legal framework, notably based on treaties, as a mechanism to effectively support the rule of law. This commitment to the establishment of just and equitable global norms is, in part, reflected in the Preamble to the Charter of the United Nations, which underlines the collective resolve of all nations "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

3. In considering the subtopic "The role of multilateral treaty processes in promoting and advancing the rule of law", the General Assembly returns to an issue that it specifically addressed from 1977 to 1984, under the agenda item entitled "Review of the multilateral treaty-making process". The General Assembly also considered this theme in the context of the United Nations Decade of International Law, from 1990 to 1999. In 1999, the Assembly decided to continue considering developments in the progress made in the implementation of the purposes of the Decade beyond its conclusion, in the framework of the agenda item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

4. Multilateral treaty processes convened by the General Assembly have played an essential role in the implementation of the Organization's mandate. The Assembly has conducted studies in the progressive development of international law and its codification pursuant to Article 13 (1)(a) of the Charter. It has also regularly conducted negotiations, convened conferences of plenipotentiaries and adopted new treaties to address the continually evolving challenges faced by the global community, thus making a fundamental contribution to the establishment of a solid multilateral treaty framework.

Recent developments in multilateral treaty processes

5. Multilateral treaty processes have continuously evolved to respond to the transformations of the international community and the needs of an ever more globalized world. The number of multilateral treaties has grown exponentially. To date, the Secretary-General is the depositary of more than 560 multilateral treaties concluded under the auspices of the United Nations and processes over 900 treaty actions per year received from States and international organizations.

6. The actors involved in multilateral treaty processes have also multiplied. The membership of the United Nations has increased, giving rise to considerations of inclusiveness, openness and transparency in the negotiating processes. Many contemporary treaty-making processes are increasingly open to international organizations, which presents new challenges with respect to treaty negotiation and participation. In parallel, the specialization of the domains of treaty regulation has implied that the negotiators themselves have diversified. The conduct of negotiations is often entrusted primarily to experts, with the consequence that general issues of the law of treaties are not always given adequate time and consideration in the debates. In addition, non-governmental actors (such as civil society organizations or the private sector) are playing an increasing role in treaty processes.

7. The complexity of multilateral treaty processes has also increased through the proliferation of institutional structures created by multilateral treaties (such as conferences or meetings of the parties, treaty secretariats or other bodies) and their growing role in treaty-making. This trend has given rise to a number of issues relating to the status and mandate of these institutional structures and their involvement in the interpretation and application of treaties. Additionally, closer coordination on legal matters between such institutions and other concerned entities (including depositaries) has been needed.

8. To respond to the changing needs of international cooperation, final clauses of multilateral treaties have become more elaborate, resulting in new developments in the field of depositary practice. As a result, the Secretariat has received a growing number of requests for advice from Member States, United Nations entities and treaty bodies regarding the drafting of final clauses, with such assistance sought at an increasingly early stage in the treaty-making process.

Activities of the Secretariat in respect of multilateral treaty processes

9. The work of the Secretariat reflects the significant evolution of multilateral treaty processes. This is particularly apparent in the discharge by the Office of Legal Affairs of the functions of the Secretary-General as depositary of multilateral treaties and their registration and publication in accordance with Article 102 of the Charter. The Office also performs a number of relevant activities in the area of promotion of participation in multilateral treaties, capacity-building and support to the Sixth Committee and other bodies.

10. With respect to the depositary and registration functions, the working methods of the Office of Legal Affairs have been enhanced through the increased use of information technology. Since 2010, depositary notifications and monthly statements of registered treaties are circulated exclusively by electronic means and are published online in the United Nations treaties website (https://treaties.un.org), which contains over 250,000 entries and is consulted approximately 300,000 times per month. This website is updated daily and remains in continuous development to ensure its adaptation to new technologies.

11. The work of the Office of Legal Affairs in relation to the registration and publication functions under Article 102 of the Charter has steadily increased, with an average of over 2,400 treaties and treaty actions submitted for registration each year. The Office exercises these functions in accordance with the regulations

adopted by the Assembly in 1946 to give effect to Article 102.[1] These regulations have occasionally been amended, but no comprehensive review has been undertaken since their adoption.

12. With the aim of promoting participation of States in the multilateral treaty framework, the Secretary-General has held, since 2000, a high-level annual treaty event, in conjunction with the general debate of the General Assembly, during which States are invited to join treaties deposited with him. These events have proven a successful catalyst of treaty participation, triggering a total of almost 2,000 actions (81 actions were completed by 52 States at the 2014 treaty event). In partnership with sponsor Governments, international organizations, treaty secretariats and other United Nations offices, the Office of Legal Affairs has further organized treaty events to enhance participation in specific multilateral treaties deposited with the Secretary-General.

13. In the area of capacity-building, the Office of Legal Affairs is responsible for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. This involves the management of the United Nations Audiovisual Library of International Law, including historic archives, a lecture series and a research library. Office of Legal Affairs has continued to organize face-to-face training programmes on a broad range of core subjects of international law for qualified professionals from developing countries and countries with emerging economies. Office of Legal Affairs also organizes workshops on the law of treaties and treaty practice, both at Headquarters and at the regional level, in partnership with relevant treaty secretariats and other offices of the United Nations. It prepares training materials and publications on the law of treaties mandated by the Assembly. These include the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, the *Handbook of Final Clauses of Multilateral Treaties* and the *Treaty Handbook*, available in all official languages.

Highlights of the development and promotion of the international framework of norms and standards

14. In the area of the law of the sea, one additional State became party to the United Nations Convention on the Law of the Sea, increasing the number of parties to 167. Two States expressed their consent to be bound by the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, bringing the total number of parties to 147. One State became party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, bringing the total number of parties to 82.

15. On 19 June 2015, the General Assembly adopted resolution 69/292 on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The resolution provides for the establishment of a preparatory committee which will make substantive recommendations to the Assembly on the

[1] See resolution 97 (1) of 14 December 1946, as modified by resolutions 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950 and 33/141 A of 18 December 1978. See also resolution 52/153 of 15 December 1997.

elements of a draft text of an international legally binding instrument. Future negotiations are expected to address marine genetic resources, including questions concerning the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology. The preparatory committee will be convened in 2016 and 2017. Taking into account the report of the preparatory committee, the Assembly will decide on the convening and on the starting date of an intergovernmental conference under the auspices of the United Nations.

16. By its resolution 69/116, the General Assembly adopted the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration. By virtue of the Convention, parties to investment treaties concluded before 1 April 2014 express their consent to apply the 2013 United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration to disputes arising under the existing 3,000 bilateral and multilateral investment treaties currently in force.

17. The UNCITRAL secretariat has continued organizing capacity development and training activities and assisting States with the drafting of national legislation on international commercial law matters. Training and capacity-building seminars in the area of alternative dispute resolution were organized at the regional level in cooperation with regional organizations, such as the Organization for the Harmonization of Business Law in Africa and the Economic Cooperation Organization for countries of West and Central Asia.

18. There have been 37 new ratifications across 10 of the core human rights treaties and their optional protocols since 25 July 2014 (see http://indicators.ohchr.org/). Examples include seven new ratifications of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. To date, the Optional Protocol has 129 signatories and 159 parties. Since 2011, there have been an unprecedented 46 accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and one accession to the 1951 Convention relating to the Status of Refugees. December 2014 marked the second anniversary of the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); as at January 2015, 39 States were signatories to the Convention, while 22 had ratified it.

19. In relation to the work of the human rights treaty bodies, notable developments include the adoption of a joint general recommendation on harmful practices by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child,[2] which provides guidance on the obligations of States to prevent and eliminate harmful practices inflicted on women and girls. The Committee on the Elimination of Discrimination against Women also adopted general recommendation No. 32 on the gender dimensions of refugee status, asylum, nationality and statelessness. The Human Rights Committee adopted General Comment No. 35 on the right to liberty and security of person, codifying the work of the Committee on this issue during the last three decades.

[2] General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child.

20. In the area of transnational crime, six States became parties to the United Nations Convention against Transnational Organized Crime; three States became parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; three States became parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air; and four States became parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. There were 29 additional ratifications to the 19 international conventions and protocols related to terrorism. Since mid-2014, three additional States have become parties to the United Nations Convention against Corruption, bringing the number of States which have ratified or acceded to it to 174.

B. International courts and tribunals

21. The peaceful settlement of international disputes is foundational to the functioning of the international system. It predates the establishment of the United Nations, and is essential to the maintenance of international peace and security. Ensuring access by Member States to the mechanisms of the peaceful settlement of international disputes is a key element in promoting the rule of law at the international level.

22. The International Court of Justice, the principal judicial organ of the United Nations, plays a key role in the United Nations rule of law architecture. During the reporting period, the Court issued an important Judgment in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)* case and continued proceedings on other contentious cases. As at 10 July 2015, there were 12 cases on the list of pending cases before the Court. The campaign of the Secretary-General to increase acceptance of the compulsory jurisdiction of the Court continues to bring attention to the Court's special role in international dispute resolution.

23. On 5 April 2015, for the first time in the history of the International Tribunal for the Law of the Sea, an advisory opinion was delivered by the full Tribunal. It concerned the obligations and liability of flag States regarding illegal, unreported and unregulated fishing activities in the exclusive economic zone of the member States of the Sub-Regional Fisheries Commission. In addition, a Special Chamber within the Tribunal was established in January 2015 for the delimitation of the maritime boundary between Ghana and Côte d'Ivoire.

C. International and hybrid criminal courts and tribunals

24. At the conclusion of the reporting period, the International Tribunal for the Former Yugoslavia remained seized of three appeals and continued four trials of senior political and military figures: Messrs. Hadžić, Karadžić, Mladić and Šešelj. Judgment against Radovan Karadžič is scheduled for delivery this fall. The International Criminal Tribunal for Rwanda, having commemorated 20 years since its establishment by the Security Council in November 1994, is now seized of a single remaining appeal and is scheduled for formal closure at the end of 2015. The two branches of the International Residual Mechanism for Criminal Tribunals have broadened their work, assuming new functions over the last year from the international tribunals for Rwanda and the former Yugoslavia, while the Residual

Special Court for Sierra Leone successfully completed its first year of operation following closure of the Special Court for Sierra Leone.

25. The International Criminal Court remained very active. On 1 December 2014, the Appeals Chamber of the Court delivered its verdict on the appeal of Thomas Lubanga, confirming the verdict that he was guilty of the enlistment, conscription and use in hostilities of children under the age of 15. In the same case, on 3 March 2015, the Appeals Chamber delivered its decision with respect to reparations. The Appeals Chamber ordered the Trust Fund for Victims to present an implementation plan for collective reparations for victims in the Democratic Republic of the Congo. In May 2015, the United Nations filed its observations with respect to reparations in relation to the case of the *Prosecutor v. Germain Katanga*. In September 2014, the Prosecutor opened the second investigation in the Central African Republic further to a self-referral by the Government. This represents the ninth situation under investigation by the Prosecutor of the Court. In October 2014, the United Nations celebrated 10 years since the entry into force of the Relationship Agreement between the United Nations and the International Criminal Court. The first decade of cooperation between the two organizations was characterized by robust United Nations support for the Court's work as well as recognition of and respect for its independence as a separate and distinct judicial institution.

26. To strengthen protection of children from international crimes, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict continues to work with the International Criminal Court to pursue accountability. The Secretary-General's reports pursuant to Security Council resolution 1612 (2005) were used by the Court for information on grave violations against children. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has provided support international tribunals for Rwanda and the former Yugoslavia in undertaking legacy projects to document lessons learned on the investigation and prosecution of conflict-related sexual violence. UN-Women supported the International Criminal Tribunal for Rwanda in the development of a manual on best practices for the investigation and prosecution of sexual and gender-based violence, and a training manual to increase women's access to justice for these crimes.

27. In August 2014, the Extraordinary Chambers in the Courts of Cambodia entered convictions for crimes against humanity in its trial proceedings against Nuon Chea and Khieu Samphan, two surviving senior leaders of the Khmer Rouge, and sentenced them to life imprisonment. In the next 12 months, judgments on the appeals against conviction by Nuon Chea and Khieu Samphan are scheduled for delivery. Trial proceedings in an additional case, including genocide charges, against these two individuals are currently ongoing. In March 2015, the Extraordinary Chambers also charged an additional three individuals in the two remaining cases under judicial investigation. The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women is supporting the Victims Support Section of the Extraordinary Chambers to address gender-based violence during the Khmer Rouge era.

28. The Special Tribunal for Lebanon continued the trial in absentia of five accused with respect to the attack 10 years ago against Rafik Hariri. In an unprecedented development in international criminal law, in April 2015 the Tribunal commenced the first of two contempt trials against commercial media entities.

D. Non-judicial and Security Council accountability and support mechanisms

29. Commissions of inquiry are an important mechanism to establish factual evidence on human rights violations and to promote accountability. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has seen increased demands for engagement in emergency responses, to support commissions of inquiry or to conduct investigations of allegations of serious violations of human rights and international humanitarian law in the Central African Republic, the Democratic People's Republic of Korea, Eritrea, the Syrian Arab Republic and Palestine. Pursuant to Human Rights Council resolutions, OHCHR also initiated investigations on human rights violations in Sri Lanka, Iraq and Libya, and on violations and abuses of human rights and atrocities committed by the terrorist group Boko Haram in countries affected by such acts. OHCHR continued the deployment of a human rights monitoring mission to Ukraine, which had issued eight public reports as at April 2015. UN-Women has deployed investigators of sexual and gender-based violence and/or gender advisers to all commissions established since 2009, including the African Union Commission of Inquiry for South Sudan, a fact-finding mission to Iraq, and the International Criminal Court investigations in the Democratic Republic of the Congo and Mali.

30. The Working Group of the Security Council on Children and Armed Conflict has increasingly highlighted the need to end impunity for grave violations against children and to consider a broad range of options to increase pressure on perpetrators of those violations. The Special Representative for Children and Armed Conflict engaged with sanctions committees and panels to provide information where grave violations against children are criteria for designation. She briefed the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic in May 2014; the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo in September 2014; and the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan in May 2015.

31. Pursuant to Security Council resolutions on conflict-related sexual violence, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict has obtained high-level commitments for ensuring accountability for these crimes with governments in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Somalia and South Sudan. The Office of the Special Representative has also engaged with Security Council sanctions committees and has proposed individuals for sanctions for their involvement in the commission of patterns of sexual violence crimes. The Office of the Special Representative has also engaged with non-State actors, including in Colombia, South Sudan and the Syrian Arab Republic, to advocate for commitments to prevent and ensure accountability for conflict-related sexual violence crimes.

III. United Nations support for the rule of law at the national level

32. United Nations assistance to strengthen the rule of law at the national level seeks to enhance, at their request, Member States' capacities and to support their

efforts in implementing international norms and standards. The rule of law provides the normative and institutional framework required to achieve justice and peace.

Prevention of conflict and the Rights up Front initiative

33. Implementation of the Secretary-General's Rights up Front initiative advanced during the year. In essence, Rights up Front repositions the United Nations system culturally, operationally and politically to take early and effective action to prevent or respond to serious violations of international human rights or humanitarian law. The initiative is contributing to a more consistent inclusion of a human rights perspective in United Nations peace and security, humanitarian and development work, and to a common understanding of the Organization's shared responsibility to prevent serious violations. The Rights up Front approach was used by the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations country team in Iraq at the onset of the current crisis in June 2014. The initiative enabled the United Nations to respond swiftly and effectively to the changing situation on the ground. By involving the senior-most leadership in advocacy efforts, placing the protection of human rights at the core of United Nations strategies and action and ensuring regular monitoring and reporting on human rights and humanitarian issues as they developed, the United Nations and government and international partners were able to mount appropriate responses to the crisis as it unfolded.

34. In support of national and regional initiatives to prevent and punish genocide and other atrocity crimes, the Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect provided assistance to 18 countries in Latin America to develop national policies. It continued to support the establishment of national preventive mechanisms in the Democratic Republic of the Congo, Uganda and the United Republic of Tanzania. In Uganda, the Office supported the development of draft legislation on the prevention of genocide, war crimes, crimes against humanity and all forms of discrimination. The Office has been working with parliamentarians from the Association of Southeast Asia Nations to develop their knowledge and enhance their responsibilities on atrocity prevention issues. The Human Rights Council, in its resolution 28/34 of 27 March 2015, encouraged Member States and regional and subregional organizations to use it for guidance in their prevention work.

Support for constitution-making

35. Legitimate national constitutions consistent with international obligations are the cornerstone of rule of law-based systems. The United Nations Democracy Fund funded a global project on knowledge-sharing for constitution-making to allow exchanges of technical expertise among South-based practitioners. The United Nations continues to provide assistance in ongoing constitutional processes in Libya, Nepal, Sierra Leone, Somalia and Yemen. To ensure compliance with the highest standards of promotion and protection of human rights, OHCHR is advising States (including Grenada, Libya, Myanmar, Thailand, Tunisia, the United Republic of Tanzania and Yemen) in the revision or development of their Constitutions. In Burkina Faso, the United Nations Development Programme (UNDP) has supported the formulation of a charter to guide the process of political transition. The Department of Peacekeeping Operations of the Secretariat provided support for constitutional review processes, including in Liberia to the Constitutional Review Committee and in Central African Republic to the Law Committee of the National Transition Council.

36. To support gender-responsive constitution-making, United Nations constitutional assistance missions systematically promote consultations and participation of women. UN-Women re-launched its gender equality constitutional data base, a repository of gender equality-related provisions contained in 198 constitutions across all regions. Alongside an Internal Guidance Note on Gender Responsive Constitution Making that was issued in 2011, the database serves as a gender equality reference tool for stakeholders in countries undergoing reforms. UN-Women was also engaged in 14 countries supporting the strengthening of constitutional recognition of gender equality, and is extending its assistance to seven more countries.

Law reform and justice systems

37. Sound normative frameworks in conformity with international human rights standards, together with independent, efficient and competent judicial systems, are at the core of rule of law-based systems. Their restoration is a priority in conflict and post-conflict assistance.

38. United Nations peace operations provide crucial support to national authorities in re-establishing or strengthening justice institutions in conflict and post-conflict situations, which is necessary to avoid a relapse into violent conflict and to promote the peaceful resolution of disputes and a secure environment. The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), with UNDP and donors, supported national authorities in the re-opening of seven courts and prisons in Gao and Timbuktu. MINUSMA also supported the re-deployment and training of magistrates and prison personnel to these regions, and provided technical support for the drafting of a five-year strategy for justice sector reform. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), together with key actors, engaged in a strategic dialogue on the way forward on justice and corrections issues, to identify recommendations to develop a road map for these sectors. The United Nations Mission in Liberia (UNMIL) helped enhance judicial accountability by supporting the establishment of a court inspectorate and advising the Judicial Inquiry Commission and the Ethics and Grievance Committee.

39. Examples of United Nations assistance for legal reform include support by the United Nations Office on Drugs and Crime (UNODC) on criminal law reforms in Afghanistan, Haiti and Kyrgyzstan and criminal justice reforms in Colombia (restorative justice for children), Nigeria (judiciary reform, legal aid strategy, prosecutorial policy and code of conduct), and Tunisia (judiciary reform). UNODC currently assists over 40 countries in all regions in developing new instruments, strategies, policies and programmes for crime prevention and criminal justice reform. In Cambodia, OHCHR worked to foster cooperation among judges, prosecutors, lawyers, court clerks and prison and police officials to improve the delivery of justice; in Guatemala, its continued support for the justice sector resulted in an increased application of international human rights standards in judicial resolutions; in Mexico, it provided advice on the revision of the military justice code. The United Nations Assistance Mission in Somalia (UNSOM) is supporting the implementation of a multi-year rule of law programme, valued at US$ 60 million, which will overhaul the judicial structure to ensure access to justice. The Office of the United Nations High Commissioner for Refugees

(UNHCR) supported legislative processes in Albania, Poland, Rwanda and Tajikistan to promote compliance with international law.

Access to justice

40. Access to effective and fair justice systems is essential for addressing the underlying causes of poverty and inequality. Barriers to accessing justice remain widespread, especially for women, children, poor and marginalized groups and communities affected by displacement, violence and conflict. Efforts of United Nations entities to foster the conditions that enable access to justice include support to legal aid initiatives and education on rights and the operation of justice systems. The African Union/United Nations Hybrid Operation in Darfur (UNAMID) supported the establishment of legal aid help desks in prisons to respond to a lack of access to lawyers. In the Democratic Republic of the Congo, MONUSCO assisted the operation of mobile courts in remote areas underserved by the justice system. In Palestine, a joint UNDP and UN-Women project supported legal aid services in relation to housing, property, family violence, inheritance and other family law-related disputes. In Iraq, UNDP supported the establishment of six court-based legal aid help desks, which benefited over 6,000 people. An additional 20,000 benefited from training, workshops and awareness campaigns on rights and legal aid. In Haiti, UNDEF funded a project on adult education to promote the protection of human rights and access to justice through the judicial system. Since 2013, UNHCR has supported mobile courts in camps in Kenya, Ethiopia and Djibouti, as well as in settlements in Uganda, to allow access to justice for refugees.

Security sector reform

41. The restoration of security is usually the most urgent need in conflict and post-conflict situations. United Nations assistance aims to support the development of effective and accountable security sectors in accordance with human rights and the rule of law. In Iraq, UNAMI is supporting the development of a new legislative framework for the National Guard, and UNDP is supporting the development of a national action plan on security sector reform. In Somalia, UNSOM has initiated a public expenditure review of the security and justice sectors in partnership with the World Bank, to inform policy and operational decisions. In Madagascar, the Government launched a national security sector reform programme, after the United Nations Office to the African Union (UNOAU) participated in a mission under the African Union security sector reform capacity programme. Engagement of civil society in security sector reform is crucial to promote trust and legitimacy of institutions, which in turn facilitates effectiveness and accountability. In Liberia, UNMIL is supporting the establishment of local community security councils. In Palestine, the United Nations Office for Project Services (UNOPS) is supporting a three-year programme to improve civilian oversight of the security sector. In Guatemala, the Peacebuilding Fund supported the creation of a technological information platform to facilitate investigations and a criminal statistics and strategic analysis unit with official indicators on security, crime, violence and coexistence to inform public security policies.

Police

42. The Department of Peacekeeping Operations currently supports the deployment of more than 12,500 United Nations police officers in 18 countries who

work to strengthen policing institutions and support all rule of law mechanisms, including direct operational support to host-State police and other law enforcement agencies in maintaining basic law and order functions. The United Nations Integrated Peacebuilding Office in Guinea-Bissau and the Peacebuilding Fund supported over 1,300 police personnel with training in electoral security and crowd management. In the Central African Republic, United Nations police are working with other United Nations partners and local authorities to maintain basic law and order functions. In the Democratic Republic of the Congo, MONUSCO has worked to strengthen the capacity of the national police through co-location in the "Islands of Stability", an initiative supporting the restoration of State authority. In Kyrgyzstan, UNODC contributed to the adoption of a policy on the competitive recruitment of police officers and the development of guidelines for police performance appraisal, and in Somaliland developed an education programme for police officers. In Timor-Leste, UNDP assisted the national police in the development of a five-year sustainability plan on management and administrative functions. In Somalia, UN-Women supports gender-responsive recruitment and in Mali it is supporting the national police to ensure 24-hour access to law enforcement services by women. UNOAU is supporting the establishment of the police strategic support group, which will assist African police units deployed in peace support operations of the African Union.

Corrections

43. A comprehensive approach to the rule of law and an effective contribution to the protection of civilians, stabilization and lasting peace and security requires prison systems to function in compliance with human rights principles and to be managed in a safe and secure manner. The Department of Peacekeeping Operations continues to provide good offices, advice and support to national authorities on prison security and reforms. In Darfur, major achievements with the support of UNAMID include the adoption of the national five-year prisons strategic plan (2014-2018), which will guide the prison reform process. In the Democratic Republic of the Congo, MONUSCO assisted in the development of laws and a training curriculum as part of its ongoing support to prison reforms. UNMIL assisted the Liberian authorities in preventing Ebola in prisons and facilitated access to prisoner records, which resulted in a 27 per cent decrease in pre-trial detention. The United Nations Stabilization Mission in Haiti (MINUSTAH) provided technical support to reactivate the penitentiaries' strategic development plan. In Afghanistan, UNODC provided vocational and educational training for prisoners to foster social reintegration and in Kyrgyzstan, it provided assistance in prison health care, income-generating activities, vocational training, prison security and disciplinary measures.

44. The United Nations also continues to develop tools and training to support country-level engagements. The Department of Peacekeeping Operations is partnering with Member States to update and enhance the delivery of the corrections pre-deployment training standards for government provided personnel. UNOPS developed the *Technical Guidance for Prison Planning*, focusing on the physical infrastructure of prisons, and UNODC developed a handbook on high-risk prisoners. The Department of Peacekeeping Operations , UNODC and UNDP issued the *Prison Evaluation Checklist for Post-Conflict Settings* to be used by national and international partners in the field.

The fight against impunity and transitional justice

45. Transitions from conflict to sustainable peace and security require comprehensive approaches to address truth, justice, reconciliation and guarantees of non-recurrence. OHCHR supported justice processes in more than 25 States. It prepared commentaries to legislation in Nepal and Mali, and provided assistance to truth and reconciliation commissions in Guinea and Togo and, in partnership with UNDP, in Côte d'Ivoire and Tunisia. The focus throughout remained on ensuring the centrality of the rights of victims, and that gender considerations are taken into account. In Colombia, the United Nations facilitated participation of victims in the peace negotiations at the so-called "Havana Table".

46. Efforts to fight impunity include support from UNDP to establish an office for enhancing regional cooperation for processing of war crimes, at the request of prosecutors in Bosnia and Herzegovina, Croatia and Serbia. The regional office based in Sarajevo facilitates transfer of cases, mutual technical support and coordination with commissions for missing persons. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), UNDP and UN-Women are supporting the establishment of a special criminal court with jurisdiction over serious violations of human rights and international humanitarian law committed since January 2003, including the crime of genocide, crimes against humanity and war crimes. In the Democratic Republic of the Congo, MONUSCO has been operating prosecution support cells, which provide assistance to military and civilian justice authorities in investigating and prosecuting serious conflict-related crimes. They have supported over 97 investigations of rape, murder and other violations of the laws of war, and 40 requests to organize trials by mobile courts.

47. OHCHR published a new volume of the *Rule of Law Tools for Post-Conflict States*, addressing good practices, reforms and preservation of records, including types of records pertinent to various transitional justice processes.

Statelessness

48. The right to a nationality is often fundamental to the exercise of other basic human rights. UNHCR continues to provide advice to Governments to address discrimination and gaps in nationality laws that can lead to statelessness. UNHCR launched its #IBelong global campaign to end statelessness, developed in consultation with States, civil society and international organizations. To aid the protection of stateless persons, UNHCR also issued the *Handbook on Protection of Stateless Persons*, as well as guidelines on the interpretation of international standards to avoid childhood statelessness.

49. Birth registration is a fundamental right of every child and an important way to prevent statelessness. With respect to the emergency in the Syrian Arab Republic, over 115,000 Syrian refugee children have been born in exile since the crisis began and UNHCR is working with the host Governments to ensure the registration of births. In Myanmar, UNHCR provided advice and capacity-building to the Government to address challenges related to citizenship. It has also supported Governments in Central Asia in addressing statelessness.

Refugees and internally displaced persons

50. The protection of refugees and internally displaced persons requires addressing a wide variety of needs and entails complex coordination efforts both with government authorities and with the international community, including United Nations entities. To improve the quality of asylum systems, UNHCR supported regional and national audits of programmes in Eastern Europe and the southern Caucasus, and published specific guidance for 12 countries. To support the implementation of the international refugee instruments, UNHCR provided advice for the revision of legislation on asylum (Afghanistan, Kazakhstan and Senegal) and the procedures to determine refugee status (in Venezuela, among other countries). In Ukraine and Nigeria, UNHCR is advising on a draft law on internally displaced persons and in Afghanistan it is supporting the implementation of the national policy in this regard. UNHCR and partners are also working in complex humanitarian emergencies such as in the Central African Republic, Iraq, Nigeria, South Sudan and Ukraine, where protection monitoring and advocacy have been fundamental components of inter-agency strategies to assist and protect affected populations. The United Nations Mission in South Sudan provided protection to more than 140,000 internally displaced persons, including through the Mission's police, corrections, child protection and women's protection advisers.

51. UNHCR launched and published a number of global strategies aimed at improving the conditions of refugees: *Beyond Detention 2014-2019*, a five-year initiative to support Governments to end the detention of asylum-seekers and refugees; *Policy on Alternatives to Camps*, which provides guidance on identifying alternatives to camps, while ensuring that refugees are protected and assisted effectively; *Global Strategy for Livelihoods 2014-2018*, to promote sustainability and safe self-reliance of refugees; and *Safe from the Start*, to prevent and respond to sexual and gender-based violence in humanitarian emergencies.

Gender-based violence and conflict-related sexual violence

52. The full realization of human rights is not possible unless rule of law systems are responsive to gender considerations. Comprehensive peace-building efforts to restore the rule of law require the development of specialized strategies to address gender-based discrimination and violence. United Nations strategic documents to support these efforts include an analytical study on gender-based and sexual violence in relation to transitional justice submitted by OHCHR to the Human Rights Council (A/HRC/27/21), and a guidance note of the Secretary-General on reparations for conflict-related sexual violence, developed jointly by OHCHR and UN-Women and endorsed by all Rule of Law Coordination and Resource Group members. This document has contributed to legislative revisions in Kosovo, the introduction of a specific reparations programme in the Republic of Moldova and a pilot assistance programme for victims in the Democratic Republic of the Congo. The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women is supporting a project of the Women's Initiatives for Gender Justice to address violence against women in conflict, post-conflict and transitional settings in the Democratic Republic of the Congo, Libya, Sudan and Uganda. The Department of Political Affairs of the Secretariat continues to provide country-level technical support, including through the roll-out of the *Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements*, and training of envoys and mediators.

53. United Nations assistance to national efforts to address conflict-related sexual violence included support to a committee of national experts in Côte d'Ivoire and capacity-building initiatives and support to Iraqi victims of the Islamic State in Iraq and the Levant. The prosecution support cells supported by the Department of Peacekeeping Operations in the Democratic Republic of the Congo have assisted the investigation of 63 cases of conflict-related sexual violence, which resulted in a number of trials and convictions for serious human rights violations, including crimes against humanity. The Team of Experts on the Rule of Law and Sexual Violence in Conflict, established under the terms of Security Council resolution 1888 (2009), continued to provide technical assistance to national authorities in the Central African Republic, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Guinea, Somalia and South Sudan. The Team of Experts focused its support on criminal investigations and prosecution, collection and preservation of evidence, military justice system investigation and prosecution, criminal and procedural law reform and protection of victims and witnesses.

54. Assistance to address other forms of gender-based violence include support extended by UN-Women to Palestine in collecting and analysing data related to women's access to justice and security institutions and training judicial officials on gender-sensitive litigation, and UNDP assistance to Iraq in the establishment of a protection network for domestic and gender-based violence and to Burundi in the provision of comprehensive assistance to victims. In Haiti, with support from MINUSTAH, a two-year sexual and gender-based violence project was completed and training has been incorporated into the national police basic training programme. UNHCR provided specialized support to over 66,000 victims of gender-based violence among Syrian refugees. UN-Women is supporting gender-sensitive initiatives such as training for justice actors in 10 countries, legal aid in nine countries and monitoring and evaluation systems in five countries. OHCHR launched a study on judicial stereotyping and is working with judicial authorities in several countries to support equal access to justice for women in gender-based violence cases. UNODC developed a situational assessment of gender-based violence in five African countries.

Protection of children

55. Efforts to ensure the protection of children are a central aspect of United Nations rule of law activities. The United Nations Children's Fund (UNICEF) supported the improvement of legal frameworks and policies in 71 countries, with significant milestones including the adoption of at least 10 progressive laws. Assistance to enhance justice for children was provided in 61 countries. In Egypt, legal representation was provided to 232 children in criminal cases and 393 children detained in connection with demonstrations. UNICEF supported the development of curricula and training in 63 countries, including the Islamic Republic of Iran where over 290 professionals and the police received technical assistance in juvenile justice. In Nicaragua, UNICEF supported community intervention plans for the prevention of violence from juvenile gangs. Data collection and evidence generation has also been supported, for example in Kyrgyzstan and the Republic of Moldova. The Department of Peacekeeping Operations continued to work with national authorities to promote juvenile-sensitive prison management practices, including physical separation from adults.

56. The campaign "Children, not Soldiers", led by the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF, is currently focusing on government forces listed in the annexes to the Secretary-General's annual report on children and armed conflict for the recruitment and use of children in armed conflict. Notable achievements of the campaign include the endorsement by the Government of Afghanistan of a road map to implement the action plan to end child recruitment and use; the release of more than 380 children by the Tatmadaw in Myanmar in 2014 and the endorsement by the Government of a road map to accelerate implementation of the action plan to end child recruitment and use; the signature by the Government of Yemen of an action plan to end the recruitment and use of children; the recommitment by the Government of South Sudan to the action plan on children associated with armed forces signed in 2012; and the appointment in the Democratic Republic of the Congo of a presidential adviser on sexual violence and child recruitment. In the latter country, MONUSCO supported national authorities to ensure accountability for the recruitment and sexual abuse of children and to ensure the protection of child victims and witnesses.

57. United Nations assistance also seeks to respond to the specific protection needs of children in particularly vulnerable situations. In the case of refugee children, UNHCR supported the registration of over 4,000 unaccompanied and separated children in countries neighbouring the Syrian Arab Republic. UNHCR conducted almost 30,000 best-interest assessments for refugee children. UNHCR and UNICEF launched the publication, *Safe and Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*.

58. UNICEF and the International Telecommunication Union released the updated *Guidelines for Industry on Child Online Protection*, aligned with the *Guiding Principles on Business and Human Rights* published by OHCHR. The guidelines outline what companies can do to respect children's safety online. UNHCR completed two studies on unaccompanied children fleeing violence in Central America and their need for international protection.

Human trafficking and the smuggling of migrants

59. The United Nations continues to provide assistance to Member States on the implementation of the Protocols to the United Nations Convention against Transnational Organized Crime on trafficking in persons and the smuggling of migrants, as well as on human rights conventions. UNHCR continues to support capacity-building and information campaigns to address the impact of human trafficking on asylum-seekers, refugees and stateless persons. In Costa Rica, Ethiopia, Panama and Sudan, it is supporting the development of national strategies against trafficking, kidnappings and smuggling of migrants. OHCHR provided assistance to Member States on the application of a human rights-based approach to addressing human trafficking. UNODC developed two issue papers on the concepts of "consent" and "exploitation" and published the *Global Report on Trafficking in Persons*, analysing patterns, flows and trends. UNODC provided technical assistance to the Governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Uganda and the United Republic of Tanzania to strengthen their criminal justice responses to trafficking in persons and smuggling of migrants, trafficking of drugs and wildlife crime. It supported four Southern African countries in the implementation of laws and national plans to combat human trafficking. OHCHR developed and published the *Recommended Principles and Guidelines on Human*

Rights at International Borders, which translate the international human rights framework into practical border governance measures, and organized a meeting of experts on the human rights perspective of contemporary manifestations of migrant smuggling.

60. Against the backdrop of an increasing number of irregular migrants and persons seeking protection as refugees perishing at sea, the problem of smuggling of migrants at sea and the related challenge of protection has become a particular focus of attention for the United Nations system. UNHCR developed the Global Initiative on Protection at Sea, which seeks to catalyse and support action by States, regions and other stakeholders to limit loss of life at sea. With the International Maritime Organization (IMO) and the International Chamber of Shipping, UNHCR published an updated version of *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*, to provide guidance to ship captains, ship owners, government agencies and others.

Transnational organized crime

61. UNODC continues to provide technical assistance to States to implement the United Nations Convention against Transnational Organized Crime in order to deal with different forms of organized and serious crime and to promote regional and international cooperation. UNODC launched its contribution to the United Nations integrated strategy for the Sahel, which aims at supporting the development of accessible, efficient and accountable criminal justice systems to combat illicit trafficking, drug trafficking, organized crime, terrorism and corruption. UNODC is implementing the National Integrated Programme for Ethiopia 2013-2016, which seeks to assist the Government in combating organized crime, and opened a new office in the United Republic of Tanzania to further support the work on transnational organized crime. In Côte d'Ivoire, Guinea-Bissau and Liberia, through the West African Coast Initiative, United Nations Police, UNODC and the International Criminal Police Organization (provided specialized training to local police and gendarmerie, including on illicit arms trafficking. In Mali, the MINUSMA police established and strengthened their transnational organized crime cell, which provides assistance through capacity-building, logistical support and training.

62. UNODC published the *2015 World Drug Report* assessing global supply and demand trends. In preparation for the special session of the General Assembly on the world drug problem, to be held in April 2016, the United Nations system task force on transnational organized crime and drug trafficking developed talking points to assist the United Nations system in coordination and messaging in relation to drug policy and the special session. Eleven United Nations entities have developed papers addressing different aspects of the world drug problem, aimed at supporting Member States' discussions.

Counter-terrorism

63. Supporting States in ensuring that their responses to terrorism and violent extremism are efficient and in full compliance with international law has been an important part of the United Nations agenda. The Counter-Terrorism Implementation Task Force, which seeks to coordinate United Nations entities' support to Member States in the implementation of the UN Global Counter-Terrorism Strategy, is currently supporting the development of regional counter-terrorism strategies in Central and Southern Africa. UNODC provided training to

3,500 criminal justice officials in the prevention and countering of terrorism. It also carried out more than 100 national, regional and international workshops. The online Counter-terrorism Learning Platform was instrumental in reaching out to more than 170 criminal justice officials from around the world.

64. The Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, with the support of its Executive Directorate, produced a number of analytical documents pursuant to Security Council resolution 2178 (2014). They addressed a preliminary analysis of gaps in Member States' capacities to stem the flow of foreign terrorist fighters (S/2014/807); challenges in prosecutions related to foreign terrorist fighters (S/2015/123); and the implementation of resolution 2178 (2014) in 21 Member States (S/2015/338).

Corruption

65. Diversion of public funds, lack of transparency and lack of accountability severely undermine the rule of law. UNODC continues to support the implementation of the United Nations Convention against Corruption. Progress was made towards completing the first cycle of the Implementation Review Mechanism with the publication of 17 additional executive summaries, while another 17 will be completed by end of June 2015. The Implementation Review Mechanism is a powerful instrument which has generated reforms, dialogue and cooperation, both domestically and internationally.

Sustainable urbanization

66. In the context of the 2016 United Nations Conference on Housing and Sustainable Urban Development, the rule of law has been placed at the centre of the new urban agenda. This is reflected in the issue papers on inclusive cities, rules and legislation and urban governance that the United Nations Human Settlements Programme (UN-Habitat) prepared with other United Nations agencies. UN-Habitat also developed a human rights handbook for its housing and slum upgrading projects, as well as introductory and advanced training materials that cut across all programme areas. At the country level, examples of rule of law approaches include support to the implementation and enforcement of legislation that promotes safety and efficiency in built structures in East Africa, Iraq, Myanmar and Somalia.

Natural resources and the environment

67. With a view to scaling up the engagement of legislators and judges in the development and implementation of normative frameworks for the protection of the environment, the United Nations Environment Programme (UNEP) made significant progress in establishing partnerships with relevant stakeholders, and was involved in convening a number of important meetings on environmental rule of law. To support the work on the linkages between the environment and human rights, UNEP published the *Compendium on Human Rights and the Environment: Selected international legal materials and cases*, aimed at highlighting good practices on using human rights commitments to inform, support and strengthen environmental policymaking. At the local level, examples of United Nations support to human rights and the environment include a project in the Democratic Republic of the Congo funded by UNDEF to protect the human rights of vulnerable communities in the exploitation of natural resources.

IV. System-wide coordination and coherence

68. The rule of law arrangements defined in September 2012 continue to provide the framework for coordination, consistency and coherence. In addition to the Rule of Law Coordination and Resource Group, a number of inter-agency working groups and task forces also foster coordination around specific issues. These include the Counter-Terrorism Implementation Task Force (which has a sub-working group on promoting and protecting human rights and the rule of law while countering terrorism), the United Nations system task force on transnational organized crime and drug trafficking, the Inter-Agency Working Group on Democracy of the Executive Committee for Peace and Security, and the inter-agency Security Sector Reform Task Force.

A. Strengthening of coordination and coherence at Headquarters

69. In response to the General Assembly's call for further opportunities for dialogue among Member States, the Rule of Law Coordination and Resource Group and the Rule of Law Unit, at the sixty-ninth session the Rule of Law Unit briefed the Sixth Committee on the Secretary-General's report on the linkages between the rule of law and peace and security, human rights and development (A/68/213/Add.1). The Rule of Law Unit and the global focal point (see para. 71 below) briefed Member States on the United Nations rule of law coordination structures and their activities. UNODC briefed Member States on its rule of law work and on the Thirteenth United Nations Crime Congress on Crime Prevention and Criminal Justice. UNEP briefed Member States on the rule of law and environmental justice, including the rule of law-related outcomes of the United Nations Environment Assembly. The Office of Legal Affairs of the Secretariat briefed Member States on its mandate and the rule of law at the international level.

70. The Rule of Law Unit facilitated the sharing of Member States' experiences in advancing specific areas of the rule of law. Together with the Permanent Missions of Afghanistan, South Africa and the United States, the Rule of Law Unit hosted an event on legal aid, aimed at discussing recent developments and sharing national experiences in enhancing access to legal aid. Together with the Permanent Missions of Singapore, Cyprus and Trinidad and Tobago, the Rule of Law Unit hosted a panel discussion on multilateral treaty-making, focused on perspectives of small States. Together with the Permanent Missions of Brazil, Côte d'Ivoire and Hungary, the Rule of Law Unit and UNICEF hosted an event to discuss good practices and lessons learned in working towards universal birth registration.

B. Headquarters support to country-level requests: global focal point

71. Since September 2012, the Department of Peacekeeping Operations and UNDP have served as the joint global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations. The global focal point arrangement is a means to ensure that the United Nations delivers coordinated and timely support to police, justice and corrections areas in post-conflict and other crisis situations through improved joint assessment, planning, programming and implementation of activities. It aims to provide national counterparts and donors with a single entry point for United Nations interventions in

these areas. The global focal point benefits from co-located partners from OHCHR and UN-Women and the engagement of other United Nations rule of law entities.

72. Since its inception, the global focal point has provided support to United Nations field actors in 19 crisis-affected situations, including those in Afghanistan, Burundi, the Central African Republic, Chad, Cote d'Ivoire, Darfur, the Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Jamaica, Liberia, Libya, Mali, Sierra Leone, Somalia, South Sudan, Sri Lanka and Yemen. Between August 2014 and May 2015, the global focal point supported 14 joint visits and nine technical experts, as well as joint planning efforts in eight countries. The global focal point has also made progress in operationalizing deployment across entities, such as using the Department of Peacekeeping Operations Standing Police Capacity for non-mission settings in Chad, Mozambique, Sierra Leone and Sri Lanka. In Mali, the global focal point deployed experts from the Department of Peacekeeping Operations, UNDP, OHCHR, UN-Women and UNODC to develop a joint programme to support the reform of the criminal justice chain.

C. Country-level rule of law arrangements

73. United Nations senior-level leadership at the country level is responsible for guiding and overseeing rule of law strategies and for coordinating country support on the rule of law. There have been several recent examples of joint strategies developed with the assistance of the global focal point, such as in Mali and Darfur, which have enabled the United Nations to adopt a more unified approach in implementing activities more effectively in response to locally identified priorities. In the Central African Republic, a team comprised of MINUSCA, UNDP and UN-Women is jointly implementing a rule of law framework that has mobilized funding in excess of $20 million, to support national prosecutors and investigative judges to process cases under the urgent temporary measures mechanism, and has facilitated the holding of trials for serious offences, the first conducted in the Central African Republic since unrest started in 2011. Funds raised by the global focal point also contributed to increased community security in a number of settings, for example, through a joint project in countries affected by the Ebola crisis and by providing support to the Narcotics Brigade in Bamako.

D. Strengthening the rule of law in the Organization

74. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 10 July 2015, the United Nations Dispute Tribunal had issued 1,135 judgments, while the United Nations Appeals Tribunal had issued 532.

Annex

Analytical summary of the thematic debates on the rule of law held at the sixty-first to the sixty-eighth sessions of the General Assembly

A. Introduction and preparation of the analytical summary

1. This annex has been prepared pursuant to paragraph 15 of General Assembly resolution 69/123, in which the Assembly requested the Secretary-General to include in the present report an analytical summary of the thematic debates held pursuant to resolutions 61/39 of 4 December 2006, 62/70 of 6 December 2007, 63/128 of 11 December 2008, 64/116 of 16 December 2009, 65/32 of 6 December 2010, 66/102 of 9 December 2011 and 67/97 of 14 December 2012. The summary was prepared with reference to the summary records of the relevant meetings of the Sixth Committee of the General Assembly.[a]

2. By a letter dated 11 May 2006 addressed to the Secretary-General (A/61/142), the Permanent Representatives of Mexico and Liechtenstein to the United Nations requested that an item entitled "The rule of law at the national and international levels" be included in the provisional agenda of the sixty-first session of the General Assembly. The explanatory memorandum annexed to the letter noted, inter alia:

> At the 2005 World Summit, the Heads of State and Government of Member States gave strong political support for the strengthening of the rule of law worldwide. The Summit Outcome (General Assembly resolution 60/1) explicitly recognized "the need for universal adherence to and implementation of the rule of law at both the national and international levels", complemented by a number of concrete commitments aimed at strengthening the rule of law. The concept of the rule of law effectively permeates the Summit Outcome as a whole. It is considered a crucial component for the realization of a number of goals, such as sustained economic growth, sustainable development and the eradication of poverty and hunger. It is also recognized as a goal in itself, which is essential for the peaceful coexistence and cooperation among States.

3. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee of the General Assembly.

4. The debates held in the Sixth Committee and the resolutions adopted by the General Assembly each year since 2006 have reaffirmed the need for universal adherence to and implementation of the rule of law at both the national and international levels and the Assembly's solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States.

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[a] A/C.6/61/SR.6, A/C.6/61/SR.7, A/C.6/62/SR.14, A/C.6/62/SR.15, A/C.6/62/SR.16, A/C.6/63/SR.6, A/C.6/63/SR.7, A/C.6/63/SR.8, A/C.6/64/SR.8, A/C.6/64/SR.9, A/C.6/64/SR.10, A/C.6/65/SR.8, A/C.6/65/SR.9, A/C.6/65/SR.10, A/C.6/66/SR.5, A/C.6/66/SR.6, A/C.6/66/SR.7, A/C.6/67/SR.4, A/C.6/67/SR.5, A/C.6/67/SR.6, A/C.6/67/SR.7, A/C.6/68/SR.5, A/C.6/68/SR.6, A/C.6/68/SR.7 and A/C.6/68/SR.8.

B. Importance of and commitment to the rule of law

5. From the first debate onward, Member States expressed support for the decision to include the item "The rule of law at the national and international levels" on the agenda of the General Assembly. The fundamental importance of the rule of law has been underscored in all the debates. Member States have united in describing the rule of law as of critical importance to international order and friendly relations among States, and noted that in the 2005 World Summit Outcome, the world leaders had unanimously acknowledged its importance for peaceful coexistence and cooperation among States. A number of Member States observed that ensuring the rule of law in international relations had been the main goal of the United Nations at the time of its foundation. In the words of one Member State, "the rule of law means that a 'might is right' approach to international relations must be replaced by the force of law".

6. The rule of law offers a framework of legitimacy with which to face the most diverse global challenges. Member States have observed that the rule of law is not only vital to maintaining peace and security, but is also an essential tool in the promotion of sustainable economic growth and development and in the full realization, protection and promotion of all human rights. Rule of law has been described as the linchpin in the nexus between development and peace and security, and as essential for the full realization of human rights, as well as the advancement of democracy. Advancing the rule of law has been highlighted by the majority of Member States as contributing to safeguarding world peace, promoting development and building a harmonious world.

7. Member States also considered the rule of law as an integral part of the Charter. Delegations described the purposes and principles of the Charter as of paramount importance for peace and security, the rule of law, economic development, social progress and human rights for all, and called for Member States to renew their commitment to uphold, preserve and promote them. It was emphasized that international relations must be based on respect for the norms and principles set out in the Charter. The rule of law could not be achieved without respect for the principles of the sovereign equality of all Members of the United Nations, non-interference in internal affairs and the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

8. In the early years of the item's consideration, a number of delegations suggested defining the concept of the "rule of law" and determining its scope, in particular at the international level. It was noted that although the concept could be interpreted in a number of different ways, a set of common principles, or main constituent elements, could at a minimum be identified. Some suggested that an exchange of views would be useful and that the General Assembly should work to agree a definition in order to promote a common understanding of the rule of law. Some Member States also highlighted the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), which includes the Secretary-General's definition of the rule of law, as an important milestone in the area, and in particular in the later years numerous delegations expressed their agreement with the definition of the rule of law set out by the Secretary-General.

9. At its sixty-fifth session, following the fifth annual debate in the Sixth Committee and in reaffirmation of the fundamental importance accorded by Member States to the rule of law, the General Assembly decided to convene a high-level meeting on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session. The high-level meeting was held on 24 September 2012 and culminated in the unanimous adoption of the declaration contained in General Assembly resolution 67/1.

10. In the debate at the sixty-seventh session, several Member States welcomed the high-level meeting and the declaration in their statements to the Sixth Committee. The declaration was said by some Member States to have put forward a comprehensive vision of the rule of law. The declaration affirmed core principles of the rule of law, inter alia, equality before the law, the right of access to justice, a commitment to human rights and fundamental freedoms for all and the fight against impunity. The declaration also reaffirmed the importance of the rule of law for the three pillars of the United Nations: peace and security, development and human rights.

11. At the sixty-eighth session it was noted by some delegations that further to the first proposal for the inclusion of the item, the declaration of the high-level meeting had provided a road map for further work on the topic. Other delegations noted that, following the adoption of the declaration, rule of law issues should remain high on the international agenda, and that the high-level meeting had affirmed the interrelationship between the rule of law and the three main pillars of the United Nations and provided a foundation on which to build global visions, norms, standards and practices relating to the rule of law. While the cross-cutting nature of the rule of law was recognized by many, several delegations also emphasized that the Sixth Committee remained the forum best suited for the General Assembly's consideration of the topic.

12. Furthermore, some delegations emphasized the need for the concrete implementation of the principles recognized in the declaration. On the occasion of the high-level meeting, numerous Member States had made voluntary pledges to strengthen the rule of law, and the pledges had been acknowledged in the declaration. The declaration also encouraged States that had not done so to consider making pledges individually or jointly, based on their national priorities, including pledges aimed at sharing knowledge, best practices and enhancing international cooperation, including regional and South-South cooperation (resolution 67/1, para. 42). In the annual debates following the high-level meeting, a number of delegations highlighted the substantive pledges made pursuant to paragraph 42 of the declaration reported on the steps undertaken to implement their pledges, welcomed the pledges made by others, and encouraged further pledging.

C. The rule of law at the international and national levels

13. In their general observations, many delegations referred to the intrinsic relationship between the rule of law at the national and international levels. The two levels were described as complementary and interdependent and it was observed that the promotion of one helped to also promote the other. Delegations stressed that in a mutually reinforcing process, the implementation of international norms and standards helped to strengthen national rule of law. It was noted that development of

the rule of law at both the international and national levels was of significance for enhancing international peace and security, development and human rights.

14. Many Member States recommended that a balanced approach be taken that considered both the national and international aspects of the rule of law, allowing them to inform and complement each other. In the later debates, several delegations reminded the Sixth Committee of the need for a balance between the national and international dimensions to be retained and expressed concern that insufficient attention was paid to the rule of law at the international level.

D. The rule of law at the international level

1. Promoting the rule of law at the international level

15. Delegations emphasized the essential role of international law and international legal instruments in international relations, and the increased scope and use of international law through treaty-based mechanisms and global institutions. Rule of law could not be achieved without respect for core principles of international law provided by the Charter of the United Nations, including the sovereign equality of States, non-interference in internal affairs, prohibition of the threat or use of force and the settlement of disputes by peaceful means. Promoting the rule of law at the international level was both the subtopic of the sixty-fourth session and a recurring theme throughout the debates.

2. The rule of law and peace and security, including the peaceful settlement of international disputes

16. The interrelationship between the rule of law and peace and security was reflected in the emphasis placed by Member States on the importance of the rule of law to peaceful relations among States. The thematic debates emphasized that the maintenance of peace and security entailed the obligation of all States to respect international law in their relations. Many delegations noted that the selective or unilateral application of international law must be avoided, and that alleged violations of international law must be addressed by peaceful means and according to the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) and relevant international legal norms and principles.

17. The peaceful settlement of international disputes was the particular focus of the debate in the sixty-seventh session, in addition to being raised as a central element of the rule of law in the other sessions. Delegations emphasized the importance of the peaceful settlement of disputes under international law through the International Court of Justice, and also referred to the role of other tribunals specialized in particular branches of international law, such as the International Tribunal on the Law of the Sea. States were encouraged to use these mechanisms established under international law. Some delegations called for a wider acceptance by States of the compulsory jurisdiction of the International Court of Justice. A number of delegations also called for the General Assembly and the Security Council to make further use, when appropriate, of their right under Article 96 of the Charter to request advisory opinions on legal questions from the International Court of Justice.

18. Member States also underlined the importance of Chapter VI of the Charter, in particular Article 33, as a relatively underutilized tool in the peaceful resolution of disputes and the prevention of conflict. Other means of peaceful resolution of disputes highlighted by Member States include arbitration and the good offices of the Secretary-General.

3. International criminal law and accountability, and transitional justice in conflict and post-conflict situations

19. Delegations attached great importance to the strengthening of international criminal justice and the fight against impunity. The essential role of the International Criminal Court in this regard was noted by many delegations, as well as the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the hybrid tribunals and the Residual Mechanism. Some delegations noted the catalytic effect that the International Criminal Court could have on strengthening of domestic criminal justice systems.

20. At the sixty-sixth session, the Sixth Committee discussed the rule of law and transitional justice in conflict and post-conflict situations as its subtopic. Delegations identified the importance of transitional justice as a part of the rule of law and highlighted the issues of combating impunity and strengthening criminal justice, the role and future of national and international transitional justice and accountability mechanisms, the importance of the rights of victims, including to reparations, as well as the possibilities offered by informal justice systems. Some delegations noted the growing trend towards universal agreement on the need to combat impunity for serious crimes and the increasingly shared understanding that peace and justice were not only compatible but complementary.

21. Several Member States, some of them drawing on their national experiences, observed that transitional justice was a long-term process requiring broad reforms, including some outside of the justice sector, and emphasized the importance of the support of the international community for transitional justice processes. The work of the United Nations system in support of Member States, as well as the decision of the Human Rights Council to appoint a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, was welcomed by a number of delegations.

4. Treaty-making and laws and practices of Member States in implementing international law

22. The vital role of the General Assembly in the codification and progressive development of international law, through the International Law Commission and multilateral treaty-making conferences, was also acknowledged throughout the years. Further, delegations attached great importance to the equal opportunity for all States to contribute to the treaty-making process.

23. Many Member States stressed that a central factor in enhancing support and respect for international law was the strengthening of a sense of ownership of universal treaties through an open and inclusive negotiating process. The United Nations should provide an arena accessible to all Member States, and all should have the opportunity and capacity to contribute meaningfully throughout the treaty-making process.

24. Many delegations emphasized that international law could not be effective without domestic implementation, and the Sixth Committee discussed the laws and practices of Member States in implementing international law as its subtopic at the sixty-fifth session of the General Assembly. Member States noted that the key to achieving collective goals is to ensure the coherent and effective implementation of international obligations at the national level. Delegations clearly articulated the need for assistance in strengthening States' capacity for the implementation of international norms and standards at the national level. This included encouraging the United Nations to take further action to identify obstacles to the domestication of international law in national systems and to take action in support of overcoming them. The sharing of experiences and approaches, model laws, peer reviews, treaty-based periodic reviews, other monitoring and review mechanisms and targeted capacity-building and technical assistance were also identified as useful tools. The importance of strengthening national judiciary capacity in order to ensure a more lasting and effective solution to new challenges was stressed.

25. Some delegations welcomed the contribution of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in strengthening the rule of law at the international level and in particular in later years called for the programme to be adequately resourced. The role of the United Nations Audiovisual Library of International Law in the education and dissemination of international law was also emphasized.

E. The rule of law at the national level

1. United Nations support for the rule of law at the national level

26. Member States consistently recognized the intrinsic relationship between the rule of law at the international and national levels and welcomed the Organization's efforts to promote the rule of law at the national level, emphasizing the importance of the rule of law for sustainable development, conflict prevention, post-conflict reconstruction and the full realization of human rights.

2. Rule of law and human rights

27. Throughout the debates, human rights was described by many delegations as essential to the rule of law. Recognizing the interconnectedness of the international and national levels of the rule of law, Member States repeatedly reaffirmed that the implementation of international human rights standards was interdependent and mutually reinforcing with the rule of law and the advancement of democracy at the national level. The rule of law was described as fostering conditions conducive to democratic governance, such as accountability, transparency and full respect for human rights.

28. Member States emphasized their obligation of ensuring universal respect for and the protection and promotion of all human rights in keeping with the Charter of the United Nations, the Universal Declaration of Human Rights and other international law instruments, including in particular human rights law and international humanitarian law. Member States noted elements of the rule of law of particular importance to the protection and promotion of human rights, such as judicial independence, fair trial standards, addressing impunity and ensuring

accountability at all levels. In their statements throughout the years, several Member States discussed the reforms and changes undertaken to bring their national systems closer in line with the international standards.

3. Rule of law and development

29. Member States reaffirmed the rule of law as an effective tool for promoting sustainable development. They noted the strong interrelationship between the rule of law at the national and international levels and the achievement of inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights. Some delegations cited the rule of law as an engine for progress in all countries, regardless of their level of development. The rule of law was described as significant to development across diverse subject areas, including environmental issues, financial crises, food security, climate change, forced displacement and counter-terrorism. Some felt it was essential for the achievement of the Millennium Development Goals and should be the centrepiece of the new development agenda. A number of States also emphasized the legal empowerment of the poor as an effective tool in the eradication of poverty.

30. A number of delegations stressed the importance of international law to development, especially as the scope and reach of international law continued to increase. The harmonization of trade law and the regulation and management of natural resources were cited as areas of interest in this regard.

31. Some Member States noted the harmful effects of sanctions on development and argued that their unilateral nature contravened the rule of law. In the later years in particular, some Member States called for reforms in the international financial institutions as part of the efforts to provide conditions conducive to development through strengthening the rule of law at the international level.

4. National ownership and sharing of national experiences

32. Member States were proactive in sharing their experiences in rule of law, and some delegations suggested the collection and sharing of best practices. It was repeatedly pointed out that there was no one-size-fits all approach in assisting States to restore or strengthen the rule of law in their territories and that the imposition of pre-established models should be avoided. Development of the rule of law in a given country was by nature a sovereign matter and the focus should be on national ownership. Some delegations emphasized that the rule of law must be predicated on national needs and aspirations and not imposed from the outside. Account should be taken of the history, customs, different legal systems and the political and socio-economic features of each country.

33. Member States welcomed and supported the Secretary-General's view that national perspectives should be at the centre of United Nations rule of law assistance. It was stated that the international community must not supplant national authorities in their task of establishing or strengthening the rule of law, but rather provide any assistance they might require. Some Member States emphasized that cooperation should only be extended at the request of a Government, reflecting the established principle that assistance is provided by the United Nations development system at the request of Member States and on the basis of their national priorities.

F. The rule of law and the United Nations

34. With respect to the rule of law within the United Nations, Member States strongly emphasized the importance of the Organization adhering to the rule of law in all its institutions and practices. An effective, multilateral system must be based on clear, transparent rules that apply equally to all players. It was stated that the United Nations had little credibility if it failed to follow international law and to respect the authority of the Charter. Concern was expressed about the gap between the Organization's role as a legislative forum and its application of relevant rules of international law. Member States focused on a number of different aspects of the rule of law within the United Nations.

35. Many delegations underlined the need to fully respect the functions and powers of all the principal organs of the United Nations, in particular the General Assembly, and to maintain the balance among them. Close cooperation and coordination among all the principal organs was essential. There was concern from some delegations that the Security Council was encroaching upon the functions and powers of the General Assembly and the Economic and Social Council by taking up issues within the competence of those two organs. Some delegations felt it was necessary to reform the United Nations system in order to better balance the powers and responsibilities of the General Assembly and the Security Council and to ensure more equitable representation among Member States.

36. Member States also spoke in support of reform of the internal system of administration of justice in the United Nations and better enforcement of rule of law standards in peacekeeping missions, connecting to the wider rule of law issues under detailed consideration elsewhere in the Assembly. At the sixty-sixth session, delegations welcomed the new system of administration of justice and supported initiatives to hold United Nations personnel accountable for misconduct while deployed on mission.

37. Many Member States attached importance to the need to guarantee due process in relation to Security Council sanctions regimes. While recognizing the efforts of the Security Council to improve the fairness of sanctions procedures over time, some delegations stressed the need for further progress in that regard. The appointment of an Ombudsperson to assist the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities was welcomed. At the sixty-seventh session, some States observed that the outcome document of the high-level meeting of the General Assembly on the rule of law at the national and international levels recognized that the United Nations needed to measure up fully to its own due process standards. The gains that had been made in recent years should be extended to all affected individuals.

G. Support of the United Nations system for the rule of law

38. Delegations highlighted the central role of the United Nations and expressed their appreciation for the work of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, in contributing to the advancement of the rule of law, coordinating United Nations rule of law activities and improving technical assistance in the rule of law through the development of common policies

and strategies. The issuance of a guidance note by the Secretary-General in May 2011 on the United Nations approach to rule of law assistance at the international level was welcomed.

39. In later years, many Member States called for greater coordination among entities of the United Nations system engaged in support for strengthening the rule of law, as well as coordination among non-United Nations actors, including donors and recipients. Delegations also called for the further exchange of information about the work of the United Nations system in the area of the rule of law. A number of tasks were suggested for the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, including promoting coherence among donors, recipients and others involved in financing rule of law activities, including by strengthening international capacity for coordination; supporting the sharing of knowledge on rule of law both within the Organization and between Member States; developing common policies and strategies in the rule of law for the United Nations system; supporting the coordination of activities in the rule of law of the United Nations system, including by way of a joint strategic plan; and supporting the exchange of information on the rule of law between actors at the national and international levels.

H. Further areas for consideration

40. Highlighting the importance of the rule of law for virtually all areas of the work of the United Nations across its three pillars of peace and security, development and human rights, delegations took the opportunity throughout the thematic debates on the rule of law to make suggestions as to specific, and in some cases newly emerging, areas in the rule of law for the Assembly's consideration. These included access to justice, in particular for vulnerable groups; gender justice; the fight against corruption; constitutional law; the role of the International Law Commission; extractive industries and natural resources; wildlife trafficking; environmental justice; human trafficking; transnational organized crime; counter-terrorism; the relationship between the rule of law and sustainable development; accountability for the most serious crimes; statelessness; freedom of expression; and cybercrime. Some of these issues are already under consideration under their dedicated agenda items in the General Assembly or other main or subsidiary bodies of the United Nations, while others could be interesting areas for future consideration under the item of the rule of law at the national and international levels.

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Item 51 of the provisional agenda**
Assistance in mine action

Assistance in mine action

Report of the Secretary-General

I. Introduction

1. The present report, covering the period from August 2013 to July 2015, is submitted pursuant to General Assembly resolution 68/72, in which the Assembly requested the Secretary-General to report on the implementation of that resolution, including on relevant United Nations policies and activities.

2. The report describes the activities and achievements of the 12 United Nations entities comprising the Inter-Agency Coordination Group on Mine Action,[1] which is chaired by the United Nations Mine Action Service. United Nations mine action entities have shown themselves to be agile and adaptable, and they remain an essential element in humanitarian mine action response and development initiatives.

3. Globally, as many as 7.9 million people live in close proximity to areas contaminated with mines and/or explosive remnants of war, and an additional 4.7 million people are at risk as a result of seasonal migration through corridors

* Reissued for technical reasons on 14 September 2015.

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[1] The 12 United Nations Departments and Offices of the Secretariat, specialized agencies, funds and programmes are: the United Nations Mine Action Service of the Department of Peacekeeping Operations, the Office for Disarmament Affairs, the United Nations Development Programme (UNDP), the United Nations Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Office for Project Services (UNOPS), the Food and Agriculture Organization of the United Nations (FAO), the World Food Programme (WFP) and the World Health Organization (WHO). Observer entities include the United Nations Institute for Disarmament Research (UNIDIR), the World Bank and the International Committee of the Red Cross.

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affected by mines and/or explosive remnants of war.[2] It is encouraging to note that the number of victims of anti-personnel landmines has declined by about two thirds (67 per cent) from a peak in 2005. However, there has been no decline in the number of casualties related to explosive remnants of war, and the percentage of civilian victims who are children continues to rise.[3] The World Bank reports that countries affected by mines are predominantly middle and low income, and that many are currently experiencing violent conflict. The United Nations has a mine action presence in 85 per cent of countries and territories classified as "heavily" or "very heavily" contaminated.[4]

4. The ongoing conflicts in Afghanistan, Libya, Somalia, the Syrian Arab Republic, Ukraine and Yemen are resulting in new contamination by explosive remnants of war. Improvised explosive devices are increasingly being used by armed groups. Those that do not detonate during the conflict add to such contamination and pose a significant threat to communities recovering from conflict, as evidenced in Afghanistan and Iraq.

5. As mine action operators are increasingly working in complex environments, including where armed conflicts are ongoing, they regularly put their own lives at risk in service to others. In the past two years, mine action personnel have been attacked, kidnapped and killed in Afghanistan, the Democratic Republic of the Congo, Libya and South Sudan.

6. Mine action remains an essential enabler for an effective humanitarian response, the protection of civilians and freedom of movement for communities, humanitarian personnel and peacekeepers. It is also a prerequisite for subsistence and commercial cultivation, the use of natural resources, reconstruction and development in both conflict and post-conflict settings.

7. Mine action is essential to mitigate explosive hazard risks faced by refugees and internally displaced persons while they are fleeing conflict, for example when they cross mine-contaminated borders, and to ensuring the safe return of such individuals to conflict-affected communities and other durable solutions for such communities.

8. The year 2015 marked the tenth observance of the International Day for Mine Awareness and Assistance in Mine Action. The Day's theme, "More than mines", reflected the evolving context and expanding range of threats faced by communities impacted by mines, the United Nations and mine action organizations. On 14 April 2015, as part of ongoing efforts to raise awareness and garner political and financial

[2] Data and analysis from the mechanism for monitoring and evaluation for the United Nations Strategy for Mine Action 2013-2018 relate to data received from Afghanistan, Côte d'Ivoire, Eritrea, Mali, Mozambique, Tajikistan and the State of Palestine estimating the number of people at risk.

[3] Landmine & Cluster Munition Monitor, "Casualty trends 1999-2013", 2014 (www.the-monitor.org/index.php/LM/Our-Research-Products/Maputo-3rd-Review-Conference/Casualty-trends-1999-2013).

[4] International Campaign to Ban Landmines, *Landmine Monitor 2014*, p. 22 (http://the-monitor.org/index.php/LM/Our-Research-Products/LMM14). The asterisk in the following list denotes a United Nations mine action presence. **Heavily contaminated**: Angola,* Azerbaijan,* Croatia,* the Lao People's Democratic Republic,* Myanmar,* Thailand, Viet Nam* and Zimbabwe. **Very heavily contaminated**: Afghanistan,* Bosnia and Herzegovina,* Cambodia,* Iraq* and Turkey.*

support to fulfil the United Nations vision of a world free from the threat of landmines and other explosive remnants of war. I was pleased to designate the actor Daniel Craig as the Global Advocate for the Elimination of Mines and Explosive Hazards.

II. Update on international instruments relating to mine action

9. A positive change observed in recent years is the steady progress that many countries have made towards fulfilling their international obligations and removing the threat of landmines and other explosive remnants of war from their territory.[5] During the reporting period, the United Nations has continued to advocate for the universalization and implementation of existing legal frameworks relevant to mine action.

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

10. To date, 162 countries (84 per cent of Member States) have ratified or acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Anti-Personnel Mine Ban Convention). I congratulate Oman on its accession to the Convention since my previous report (A/68/305). With the considerable assistance of the United Nations, over 47.1 million stockpiled anti-personnel mines have been destroyed, and 157 States parties (97 per cent) no longer hold stockpiles of anti-personnel mines. To date, 28 States parties have completed their clearance obligations under the Convention. Although 31 States parties[6] have yet to fulfil their obligations, the United Nations is working in partnership with many of these States to achieve this goal as early as possible.

11. I welcome the Maputo Action Plan 2015-2019 adopted at the Third Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, held in June 2014. The 31 action points or commitments adopted by all States parties will guide the mine action community, including the United Nations, for the next five years, and its significance was acknowledged in the conference documents. I encourage States parties to do their utmost to fulfil their shared aspiration to meet time-bound obligations and assist victims to the fullest extent possible by 2025, as declared in the declaration adopted at the Third Review Conference. I also take note of the commitment by the United States of America to cease the production and purchase of anti-personnel landmines.

[5] Data and analysis from the mechanism for monitoring and evaluation for the Strategy of the United Nations for Mine Action 2013-2018.

[6] Afghanistan, Algeria, Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia, Cyprus, the Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Iraq, Mauritania, Mozambique, Niger, Peru, Senegal, Serbia, Somalia, South Sudan, the Sudan, Tajikistan, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, Yemen, and Zimbabwe.

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

12. To date, 121 States have ratified or acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons), including six during the present reporting period. I congratulate Kuwait and Zambia, which joined in 2013, Grenada and Iraq, which joined in 2014 and Algeria and the State of Palestine, which joined in 2015. The United Nations supported States in implementing their obligations under Protocol V to the Convention on Certain Conventional Weapons, which addresses the issue of explosive remnants of war. There has been increased focus on ways and means to facilitate the clearance, removal and destruction of explosive remnants of war, as well as the recording, retaining and transmitting of information on the use and abandonment of explosive ordnance during armed conflict. I reiterate the interest of the United Nations in receiving such information, which is critical for mine action planning and responses to protect civilians.

13. During the present reporting period, and consistent with the scope of the Convention's amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, the United Nations has supported States by sharing expertise and experience on the threats posed by the use of improvised explosive devices and their effects on populations, as well as on preventive and remedial measures. Discussions also addressed tools to counter the diversion or illicit use of materials that can be used for improvised explosive devices, including by exploring the possibility of establishing a global database, portal or platform to improve the sharing of unclassified information and the establishment of a community of practice.

14. Within the broad context of the Convention on Certain Conventional Weapons, the United Nations continues to call for stronger international regulations regarding the use of anti-vehicle mines, which remain an issue of humanitarian concern that the international community continues to examine. I encourage Member States to give this matter a high level of priority in their consideration of the effects of mines other than anti-personnel mines on populations.

Convention on Cluster Munitions

15. I welcome the continued progress in the implementation of the Convention on Cluster Munitions, in particular with regard to the destruction of stockpiles of cluster munitions and to clearance obligations. I congratulate the five States parties that completed clearance obligations during the reporting period, namely Albania, Grenada, Mauritania, Norway and Zambia. To date, 93 States are party to the Convention. Notwithstanding these positive achievements, the United Nations is concerned about the pace of the universalization of the Convention and encourages Member States to ratify and accede to this important instrument of international humanitarian law.

16. The Convention on Cluster Munitions is a critical instrument of international humanitarian law to ban the use, development, production, acquisition, stockpiling and transfer of these weapons. To date, instances and allegations of their use by States not party to the Convention continue, including in South Sudan, the Sudan

and the Syrian Arab Republic. The use of cluster munitions, which results in carnage, is a direct violation of the basic rules of international humanitarian law governing the conduct of hostilities.

17. The Fifth Meeting of States Parties to the Convention on Cluster Munitions, held in San José in September 2014, offered States parties and the United Nations an opportunity to take stock of the progress in its implementation and to reinforce the stigma against the use of cluster munitions.

18. The First Review Conference of States Parties to the Convention on Cluster Munitions, to be held in Dubrovnik, Croatia, in September 2015, represents an excellent opportunity to reiterate the commitment of the 93 States parties to the Convention's and to announce new accessions.

Convention on the Rights of Persons with Disabilities

19. Survivors of mines and explosive remnants of war require long-term assistance from the international community, including the United Nations system, to fulfil their needs and protect their rights. I encourage Member States to ratify and accede to the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In doing so, States parties will promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and promote respect for their inherent dignity. To date, 156 countries have ratified or acceded to this Convention, and 86 have ratified or acceded to its Protocols.

III. Midterm review of the Strategy of the United Nations on Mine Action 2013-2018

20. The Strategy of the United Nations on Mine Action 2013-2018, developed by the Inter-Agency Coordination Group on Mine Action through a widely consultative process, presents the common objectives and commitments that guide the mine action work of the United Nations. This report presents the midterm review of the implementation of the Strategy, assessing progress to date against its four strategic objectives and seven internal commitments. Extensive consultations were held among the members of the Inter-Agency Coordination Group on indicators to monitor progress against the strategic objectives.

21. When the principals of the Inter-Agency Coordination Group adopted the strategy, they entrusted the Mine Action Service with the responsibility of developing a mechanism to monitor and evaluate implementation of the Strategy. In July 2014, following field testing, the Group officially launched the United Nations monitoring and evaluation mechanism, to advance evidence-based policymaking and results-based management in the conduct of all United Nations mine action operations. Country focal points from the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the Mine Action Service coordinated with counterparts on the ground and national authorities to collect data. The most recent round of data collection included 20 countries and territories. The information and analyses available provide context, statistics and useful insights into progress made towards the strategic objectives, and this will improve as participation in the monitoring and evaluation mechanism increases.

Strategic objective 1: Risks to individuals and the socioeconomic impacts of mines and explosive remnants of war, including cluster munitions, are reduced

22. Reducing the risk posed by explosive hazards requires a holistic approach, including integrated education on the risks posed by mines and explosive remnants of war as well as the survey and clearance of landmines and other explosive remnants of war. In situations where unsecured stockpiles pose a risk to civilians, mine action also includes stockpile management. In the countries and territories participating in the monitoring and evaluation mechanism that had access to the relevant data,[7] 51 per cent of suspected and confirmed hazardous areas have been released[8] to affected communities. Furthermore, mine/explosive remnant of war risk education programmes have extensive reach within communities identified as being at acute risk and in the wider population.[7]

23. In the Lao People's Democratic Republic, with the support of the United Nations and other stakeholders, the number of casualties has been reduced by 85 per cent in the last decade. Since my previous report, less than 50 casualties have been reported annually, which means that the national target of less than 75 casualties a year has been met. Furthermore, a number of countries made significant progress during the reporting period towards completely removing the threat of landmines from their territory. In Mozambique, 97 per cent of districts were declared free from mine contamination in January 2015.

Mine/explosive remnant of war risk education

24. An effective way to prevent deaths, injuries and disabilities is to educate women, girls, boys and men on how to live more safely within a contaminated environment and where to safely report explosive remnants of war so that they can be safely destroyed. During the reporting period, mine/explosive remnants of war risk education was carried out in 18 countries or territories.[9] As a result, over six million people were equipped with safety information that reduces their risk of being killed, maimed or injured by landmines and other explosive remnants of war. In a number of countries, including Afghanistan, the Lao People's Democratic Republic and Sri Lanka, mine/explosive remnants of war risk awareness has been integrated into school curricula.

25. Effective mine/explosive remnants of war risk education relies on accurate survey and consultation with communities at risk. In Myanmar, the United Nations supported a knowledge, attitude and practice survey on the impact of mines/explosive remnants of war in the south-east, including at 30 camps in Kachin. The results showed that drivers of conflict and poverty reinforce risk-taking behaviour, highlighting the need for the development of peacebuilding and livelihood initiatives in addition to the risk education programmes.

[7] Data and analysis from the mechanism for monitoring and evaluation for the Strategy of the United Nations on Mine Action 2013-2018. The countries and territories that had access to this data were: the Abyei Area, Afghanistan, Côte d'Ivoire, Egypt, Mali, Mozambique, the State of Palestine, Somalia, South Sudan, the Sudan, Tajikistan and Western Sahara.

[8] "Release" refers to land suspected by communities to be contaminated that is declared safe and released through a process of survey, clearance or a combination of both.

[9] Albania, Afghanistan, Bosnia and Herzegovina, Cambodia, the Central African Republic, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Eritrea, Jordan, the Lao People's Democratic Republic, Libya, Mali, Somalia, South Sudan, the Sudan, Western Sahara and Yemen.

Land release through survey

26. Land release[8] through survey is the first crucial step towards defining the threat posed by explosive hazards. This process, which is widely used by the United Nations in collaboration with demining organizations, can release land that communities fear is contaminated in an efficient and cost-effective manner. The information collected provides the basis for developing a prioritized clearance plan. In 2013, the United Nations launched the first non-technical survey in Colombia, a country where, as reported by the Office for the Coordination of Humanitarian Affairs, at least 30,980 civilians were affected by mobility restrictions and access constraints caused by explosive remnants of war since 2013. The survey enabled communities to safely use land that they feared was contaminated and allowed the mapping suspected hazardous areas in several municipalities. The findings were incorporated into local development plans, attracting broader national initiatives that stimulated the local economy and fostered socioeconomic and rural development in support of regional peace sustainment.

27. In the Abyei Area of the Sudan, the United Nations surveyed 150 communities and released almost 2.5 square kilometres of land, allowing for the safe return of internally displaced people.

28. Through its assistance to the Cambodian Mine Action Centre, the United Nations supported the release of over 50 square kilometres of land, more than half of which was released through survey. To date, 82 per cent of the released land is being used for agricultural purposes, and 18 per cent provides safe access to community resources such as schools, water points and woodlands. In the Lao People's Democratic Republic, the national mine action authority, with the support of the United Nations, introduced a new survey methodology that resulted in a sharp increase in the amount of land being released. This has led to an improved focus of clearance resources on areas with confirmed contamination, as evidenced by an increase of over 460 per cent in the number of explosive remnants of war removed per hectare. In Yemen, 68.5 square kilometres of suspected land was surveyed, and 8.3 square kilometres of confirmed contaminated land was identified.

Land release through clearance

29. When the location and extent of explosive hazard contamination has been accurately determined, land release through clearance is required to eliminate the risk of death and injury to populations. In Tajikistan, over 4.3 square kilometres of contaminated land was released following clearance, leading to the destruction of 11,400 anti-personnel landmines and providing communities with opportunities for economic development such as cultivation, animal grazing and fishing. In Western Sahara, water sources are scarce and nomadic communities are at risk of mine accidents when travelling long distances in search of water. In the past two years, United Nations partners released over half a million square metres of land east of the berm that divides the territory, allowing communities to access water safely. In Yemen, the national mine action programme, supported by the United Nations, collected and destroyed 2,520 mines and explosive remnants of war prior to the current conflict.

30. Impressive progress has been achieved even in countries with ongoing conflicts, for example, in Afghanistan, where the United Nations coordinated the clearance of 1,631 minefields and 98 battlefields, resulting in 359 communities

being declared free from the threat of mines and explosive remnants of war, and in the Democratic Republic of the Congo, where the United Nations and its partners cleared approximately 12.5 per cent of suspected hazardous areas reported in the 2013 national landmine contamination survey.

31. In South Sudan, despite the conflict that has been ongoing since December 2013, 2,280 suspected hazardous areas were cleared, and more than 2,000 km of road surveyed for contamination. As a result, 1,808 anti-personnel mines, 745 anti-tank mines and 31,135 explosive remnants of war were destroyed, reducing the risk posed to communities, peacekeepers and humanitarian workers. In addition, the United Nations deactivated and destroyed weapons and ammunition collected at protection of civilians sites, resulting in the destruction of 270 small arms and light weapons and more than 18,000 rounds of ammunition and other weapons, thus contributing to the safety and security of those fleeing the fighting.

Stockpile management

32. The Strategy of the United Nations on Mine Action 2013-2018 also notes the emerging and growing threat to civilians posed by unsafe and unsecured ammunition stockpiles. As a result, the United Nations has increasingly provided preventive and responsive measures aimed at avoiding accidental detonations, which can lead to civilian casualties. In Bosnia and Herzegovina, following the destruction of all cluster munition stockpiles, United Nations support now focuses on stockpile reduction and physical security and stockpile management. As a result, 1,500 tons of unsafe items have been disposed of in the past two years, and the pace of munitions destruction has increased from 40 tons per month in 2014 to 180 tons per month in 2015.

33. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is working with national authorities to implement an effective ammunition management programme. Following the identification of 80 tons of unsecured ammunition within the city limits of Bangui, safe and secure temporary storage facilities have been constructed outside the city to reduce the risk to civilians. A further 25 police and military sites have been assessed for future rehabilitation and construction.

34. In Albania, explosive remnants of war continue to pose a threat to civilians, particularly around ammunition storage sites. The United Nations assists the Albanian Government in coordinating and monitoring the clearance of these "hotspots". To date, 7 of the 19 identified hotspots have been cleared through the destruction of more than 34,000 explosive remnants of war and small arms ammunition. Similarly, in Libya, the United Nations worked with partners to clear over 1.8 square kilometres of land surrounding damaged ammunition storage areas, one of the main explosive hazard threats to civilians in the aftermath of the 2011 conflict. The United Nations continues to respond to requests to assist in the prevention of future incidents of this nature.

Rapid response to humanitarian emergencies

35. A rapid and effective United Nations mine action capacity is a vital enabler for humanitarian responses. During the current reporting period, I have seen the United Nations prove its value in this area time and again.

36. In July 2014, the Secretary-General called on the Mine Action Service to immediately deploy to Gaza to safely secure and handle explosive hazards reportedly being stored in United Nations schools. Experts deployed four days later and their work resulted in the clearance of 214 sites, enabling vital humanitarian and socioeconomic activities. Within three weeks of the ceasefire, every school affected by the conflict was declared safe in time for the start of the new academic year. During this period, the Mine Action Service conducted over 100 explosive remnants of war risk assessments in schools administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Palestinian Authority, which provide education to tens of thousands of children. In addition, clearance allowed for a resumption of power and water supply and safe passage for civilians, United Nations personnel and humanitarian workers.

37. In Bosnia and Herzegovina, during the serious floods in May 2014, UNDP and UNICEF immediately responded to the request of the Government that they initiate an emergency response to limit the risk of accidents resulting from landmines displaced in debris and landslides. The response included emergency clearance, risk awareness and marking of at-risk areas. It also included the strengthening of an integrated response within the frameworks of mine action and disaster risk management, increasing the resilience of at-risk communities. In 2013, floods in Cambodia also unearthed deeply buried landmines contributing to increased contamination. These events demonstrate both the long-term impact of landmines and the need for affected countries to develop cost-effective and sustainable capacities to respond to threats.

38. In Ukraine, since the beginning of hostilities, 109 children have been injured and 42 killed by landmines or explosive remnants of war in the Donetsk and Luhansk regions in the eastern part of the country. Amid the ongoing conflict, UNICEF worked with local authorities and partners to launch a mine/explosive remnants of war risk education campaign to improve the safety of over 200,000 children and produced videos and materials for training teachers, school psychologists and community leaders. Monitoring and data analysis for mine and explosive remnants of war related incidents are now integrated into the existing national health and injury surveillance system. In May 2015, the humanitarian country team established a mine action sub-cluster to lead and coordinate the response. To date, humanitarian organizations have reached 260,000 women, girls, boys and men with mine/explosive remnants of war risk education activities.

Ongoing armed conflicts

39. Regrettably, the reporting period has been marked by the onset and increase in the number of violent armed conflicts, resulting in increased explosive hazard threats to civilians. The use of conventional explosive weapons in populated areas has had devastating consequences. Not only are countless civilians being maimed and killed, but the legacy of explosive remnants of war contamination poses a deadly threat in conflict and post-conflict settings.

40. At the request of my Special Representative in Iraq and with my support, the Mine Action Service has recently initiated technical support to respond to the threat of explosive remnants of war, including improvised explosive devices. These explosive hazards result in civilian casualties on a daily basis, hampering the return

and other durable solutions for internally displaced persons and impeding access for humanitarian workers.

41. In response to the increasing threat posed in Mali by explosive remnants of war, including improvised explosive devices, the United Nations produced specifically adapted mine/explosive remnants of war risk education tools to protect civilians. Where humanitarian workers have limited access, peacekeepers were able to distribute these tools to affected communities. In Somalia, the United Nations recruited men and women from communities along the border between Somalia and Ethiopia to help define the scale of explosive hazards and promote stabilization by providing employment in areas recovered from Al-Shabaab.

42. In the Syrian Arab Republic, the United Nations was able to reach over 270,000 children and community members with mine/explosive remnants of war risk education through a joint project with the Ministry of Education. In southern Turkey, the United Nations promoted explosive remnants of war risk awareness for humanitarian workers travelling into the Syrian Arab Republic, produced thousands of leaflets in Arabic and Kurdish and trained Syrian grassroots organizations to deliver risk awareness training in the northern part of the country, reaching almost 3,000 people, more than two-thirds of whom were children.

43. In Yemen, the United Nations supported the national mine action authority in developing a short-term emergency response plan, including through the marking and clearance of explosive remnants of war in populated areas, urgent medical support to victims and support to other humanitarian field missions through the deployment of explosive ordnance disposal experts. However, despite the declaration of a level 3 humanitarian emergency, the lack of access to and information on contaminated areas hampered the deployment of an emergency humanitarian mine action response. I call on those States in a position to do so to share this vital information on explosive remnants of war with the United Nations so that humanitarian assistance efforts are not hindered or blocked by contamination from explosive devices.

Strategic objective 2: Comprehensive support is provided by national and international actors to mine and explosive remnants of war victims within broader responses to injury and disability

44. The United Nations provides support to affected States and communities across all six pillars of victim[10] assistance, namely: (a) data collection; (b) emergency and continuing medical care; (c) physical and other rehabilitation; (d) psychological and psychosocial support; and (e) social and (f) economic inclusion and the establishment, enforcement and implementation of relevant laws and public policies.

45. Victim assistance is one of the areas most frequently identified as a capacity development need.[5] The United Nations, complementing national efforts and

[10] The term "victim" refers to a person who has suffered physical, emotional and psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to the use of mines or the presence of explosive remnants of war. Victims include directly affected individuals, including survivors, their families and communities affected by mines and explosive remnants of war. The term "survivor" refers to a person who was harmed or injured as a result of a mine, explosive remnants of war or cluster munition accident and has survived the accident.

working in cooperation with partners, provides victim assistance support in nine programmes reporting under the Monitoring and Evaluation Mechanism. Support is provided most frequently in the area of livelihood support/economic reintegration and social inclusion, but also in psychosocial support, physical rehabilitation care and both emergency and continuing medical care.[5]

46. Data collection and analysis is a crucial aspect of victim assistance. The United Nations recently helped the Egyptian mine action programme to develop a database of mine victims and assisted in the development of a survivor tracking system in the Lao People's Democratic Republic. This is an essential step towards ensuring the rights of cluster munition survivors in compliance with the national strategy, Millennium Development Goal 9 and article 5 of the Convention on Cluster Munitions.

47. The right to rehabilitation is critical to survivors of accidents involving mines and explosive remnants of war. In northern Mali, the United Nations provided 150 survivors with physical rehabilitation services, including assistive devices, and before the current conflict in Yemen, the United Nations provided medical support and rehabilitation to 1,499 survivors from 100 affected communities across the country.

48. In Afghanistan, the United Nations supports services that provided 12,588 people with physical rehabilitation, including through prosthetics provision and training in the use of assistive devices; vocational training for 5,638 people, including in mobile telephone repair, tailoring and computer literacy; and psychosocial support to 2,326 people, including through peer-to-peer counselling. Furthermore, three advisers are embedded within the Ministries of Public Health, Education and Labour, Social Affairs, Martyrs and the Disabled.

49. The United Nations works closely with government counterparts and civil society to address economic and social inclusion. In Colombia, the United Nations works with the Government to develop and implement strategies for the socioeconomic reintegration of survivors and their families through media campaigns, information dissemination and the strengthening of survivor networks to provide access to psychosocial support and assistive mobility devices. In the Sudan, the United Nations provided physical rehabilitation and socioeconomic reintegration services to 150 persons with disabilities, including survivors of mine accidents. In South Sudan, the United Nations supported more than 100 survivors with training and small grants, following the development of appropriate business plans and has improved accessibility to health centres and livelihood service providers.

50. In terms of national laws, regulations and policies, a key objective at the global level during this reporting period has been the revision of the United Nations victim assistance policy. In 59 per cent of the countries and territories contributing to the monitoring and evaluation mechanism, a disability policy or plan of action has been established that includes a provision for survivors and victims of mines/explosive remnants of war.[5] In Albania, the United Nations supported the Government in developing a national plan compliant with international obligations, including a nationwide needs assessment of the socioeconomic and medical needs of marginalized victims of explosive remnants of war. In Cambodia, the United Nations assisted the Government in developing the national disability strategic plan 2014-2018, which will be supported by the disability rights initiative programme promoted by UNDP, UNICEF and the World Health Organization.

Strategic objective 3: The transfer of mine action functions to national actors is accelerated, with national capacity to fulfil mine action responsibilities increased

51. The United Nations is committed to capacity development and the transfer of mine action responsibilities to national authorities. Two crucial elements in assessing such a transfer to national actors are the development of a national mine action strategy and the provision for mine action in the national budget. Among countries participating in the monitoring and evaluation mechanism, all of which receive United Nations mine action support, 59 per cent have developed a national mine action strategy and a national budget for mine action.[5] Furthermore, 61 per cent of these countries initiated plans for the transition to national ownership, and 45 per cent of those transition plans include a monitoring process.

52. During the reporting period, progress has been made towards the transfer of mine action tasks to national actors. In Afghanistan, which hosts the largest humanitarian mine action programme in the world, only four international United Nations staff work alongside Afghan nationals towards achievement of the goals of the national plan. In Bosnia and Herzegovina, the national authority now manages all mine action planning and operations, while the United Nations provides strategic advice and emergency support, when requested. As the transfer of mine action functions progresses, regular assessments and strategy adjustments are necessary to ensure sustainable results. In the Lao People's Democratic Republic, a capacity assessment of both the national authority and the United Nations was conducted in 2014, and medium- and long-term strategies for both organizations agreed.

53. Upon request, the United Nations provides national authorities with expertise to assist in the development of technical and operational mine action frameworks and strategies. In Yemen, the United Nations provides technical expertise to support the development of a new mine action strategy that reflects the changing context. In Colombia, the United Nations advised the Government on the development of a regulatory, technical and operational framework for humanitarian demining and assisted the National Mine Action Authority in developing national standards, quality management systems, including for the accreditation of operators, and standard operating procedures for humanitarian demining. The United Nations also provided technical assistance to the drafting of the Colombian national plan on mine action, which resulted in the inclusion of elements on mine action in 11 instruments of departmental policy and 27 instruments at the municipal level.

54. In Somalia, the United Nations supports the establishment of a federal government institution for explosive hazard management, endorsed by presidential decree in August 2013. In addition, the United Nations has supported the Somali police force in establishing the country's first improvised explosive device defeat capacity and 11 Somali police explosive ordnance disposal teams to act as first responders to explosive hazards in major cities. As one of the only national security institutions operating outside Mogadishu, the teams have destroyed more than 2,000 explosive items that posed a hazard to the local populations. Altogether, hazard and weapons/ammunition management assistance has become a major aspect of United Nations field work, in particular the work undertaken by the Mine Action Service.

55. The speed and progress of the transfer of United Nations programmes to national management can be increased through South-South cooperation, which provides an excellent impetus for national programmes to exchange experiences and best practices. I commend United Nations mine action actors for their continued

efforts in this regard, including the mission organized by the United Nations for the Tajik national mine action authority to the national mine action authority in Jordan. The mission focused on the use of microloans to assist survivors, within the context of Islamic finance principles, as well as advocacy for persons with disabilities, including survivors of mines/explosive remnants of war. Through the provision of technical expertise and training packages, the United Nations has also supported regional centres such as the Centre de formation au déminage humanitaire in Benin, which provide opportunities for South-South cooperation at the regional level.

Strategic objective 4: Mine action is promoted and integrated in multilateral instruments and frameworks as well as national plans and legislation

56. The Monitoring and Evaluation Mechanism[5] confirms that 68 per cent of affected countries are States parties to the Anti-Personnel Mine Ban Convention and that 77 per cent of those with a United Nations presence are States parties. While 48 per cent of affected countries are States parties to the Convention on Cluster Munitions, this figure is 69 per cent among countries with a United Nations mine action presence.

57. I attach great importance to compliance with international humanitarian law and reiterate the United Nations commitment to supporting States in this regard. In 2015, the United Nations supported the efforts of the national authority in Mali in reporting on its compliance with amended Protocol II to the Convention on Certain Conventional Weapons. In South Sudan, the United Nations supported the drafting of the national authority's annual transparency report on the Anti-Personnel Mine Ban Convention.

58. The development of plans and strategies to implement multinational frameworks related to mine action is a crucial aspect of the United Nations work in a number of countries. I welcome the launch by the African Union in April 2014 of its Mine Action and Explosive Remnants of War Strategic Framework, which is a significant initiative developed in close partnership with the United Nations. In the Democratic Republic of the Congo, the national transition and capacity-building plan and the national mine action strategic plan 2012-2016, elaborated with United Nations assistance, aim to achieve the national goals required under the Anti-Personnel Mine Ban Treaty. In Cambodia, the United Nations supported the work of the national authority in developing its strategic action plan to ensure resources were effectively allocated according to national priorities, as defined by local planning processes.

59. The inclusion of mine action in broader national plans has also been achieved in a number of countries. In Colombia, close cooperation with mine action experts allowed for mine action to be integrated into a range of national plans. For example, a report presented to Congress in August 2014 on the implementation of the Victims and Land Restitution Law highlighted the importance of mine action for creating safe and stable socioeconomic conditions in order to promote the return of internally displaced persons and effective land restitution. Mine action was also incorporated into the national living standards improvement strategy 2013-2015 of Tajikistan. Mine action is also included in the United Nations Development Assistance Frameworks for Afghanistan, Mali, South Sudan and Tajikistan. In Somalia, mine action is integrated within the integrated strategic framework that supports the New Deal Compact for Somalia. This will assist the national authority in assuming full

responsibility for the management of explosive hazards and help build national security sector institutions and police capabilities by 2016.

60. During the reporting period, a number of affected States made progress in the development of national mine action legislation. In Afghanistan, mine action legislation has been drafted with the support of the United Nations and is currently pending approval by the Ministry of Justice. In Tajikistan, the United Nations is supporting the development of mine action legislation, drawing on national expertise and experience from other affected States, including Croatia and Lebanon.

61. Since the threat of explosive hazards has an impact on Security Council resolutions, the Mine Action Service is increasingly mandated to support peacekeeping and special political missions, also working in close coordination with other partners in the Office of Rule of Law and Security Institutions of the Department for Peacekeeping Operations. This has enabled freedom of movement for peacekeepers and the delivery of mandated activities. In the Abyei Area, 506 km of roads were surveyed, enabling the deployment of troops and the transport of equipment and supplies. In addition, the African Union Mission in Somalia was provided with force-enabling technical advice and support in response to explosive hazards in all operational sectors and on main supply routes. Through these and similar processes, the Mine Action Service has been actively contributing to peace sustainment and stabilization.

Internal commitments to strengthening the United Nations capacity in mine action

62. In addition to the strategic objectives reviewed above, the United Nations has committed itself to a number of initiatives to strengthen its assistance in mine action.

63. The first of these is the transfer of mine action functions to national actors, namely an internal commitment to strategic objective 3, as reported on above, in which significant progress over the past two years has been highlighted.

64. The second is strengthening the United Nations division of labour by making full use of existing mine action coordination mechanisms at the country level. This is being achieved through the Inter-Agency Coordination Group on Mine Action. In addition, the United Nations leads the mine action area of responsibility of the protection cluster in Afghanistan, Chad, Colombia, Mauritania, Myanmar, Pakistan, Senegal, Somalia, South Sudan and the Syrian Arab Republic, ensuring mine action is integrated into humanitarian planning, resource mobilization and response. In countries where the protection cluster is not activated, such as in Nepal and Eritrea, this function is performed by national authorities with the support of the United Nations.

65. The third commitment is to sustain implementation of the United Nations gender guidelines. The monitoring and evaluation mechanism confirms that: 76 per cent of programmes often or almost always consider gender in their programme design. Seventy-five per cent of programmes often or almost always disaggregate survey data by sex and age, and over 90 per cent assemble survey teams of men and women, as appropriate, keeping in mind community demographics and customs. Despite local norms that serve as barriers to women's employment, all United Nations programmes reported that they often or almost always make vacancy

announcements accessible to men and women, that 93 per cent often or almost always make all possible arrangements to accommodate both women's and men's needs in the workplace, and that 77 per cent often or almost always actively encourage women's employment in mine action.

66. In Albania, the United Nations requires all operators to demonstrate gender awareness in their programme design and to indicate how the implementation of such awareness is to be monitored. In Tajikistan, the gender guidelines were translated into the Tajik language and widely used by mine/explosive remnants of war risk education volunteers and community councils in affected communities.

67. To further promote gender mainstreaming in its field programmes, the United Nations partnered with the Gender and Mine Action Programme to conduct baseline surveys on gender mainstreaming and work in partnership with national authorities to develop strategies to improve gender mainstreaming. Since my most recent report, these have been delivered in Somalia, Somaliland and Darfur. In South Sudan, the Gender Mainstreaming Strategy of the Mine Action Programme of South Sudan 2014-2018 resulted in the incorporation of gender mainstreaming into statements of work, contracting documentation and processes for quality assurance, needs assessment and impact monitoring.

68. The fourth initiative is to update the United Nations policy on victim assistance. Consultations on the updated policy are at an advanced stage and the new policy will focus on how the United Nations can best support victims of mines, explosive remnants of war and other explosive hazards. The updated policy will also reflect the key developments of recent years and highlight the significance of integrating victim assistance efforts into broader national frameworks and the importance of sustained services and support to victims.

69. The fifth initiative is to develop national standards and promote compliance with the International Mine Action Standards (IMAS) and International Ammunition Technical Guidelines (IATG). To date, 43 IMAS have been elaborated, 42 have been endorsed and one is in draft form. During the reporting period, standards were reviewed on issues ranging from explosive ordnance disposal following ammunition storage area explosions to underwater survey and clearance and improvised explosive device definitions. Several of the standards have been translated into Arabic, Farsi, French, Spanish and Ukrainian.

70. The sixth initiative is to upgrade the substantive and technical skills of United Nations staff, for which the Organization has developed new mandatory training courses for Operations/Quality Assurance Officers and Programme Officers. To date, 51 Operations Officers and 48 Programme Officers have participated. In addition, all field staff are required to undertake and maintain the Safe and Secure Approaches in Field Environments and the Emergency Trauma Bag training courses. In cooperation with the Department of Safety and Security, 47 United Nations staff members successfully completed the security certification programme, and 11 were trained in hostage incident management.

71. Lastly, the United Nations has committed itself to strengthening resource management, with a focus on transparency. The Mine Action Service, as part of the Secretariat, has transitioned to using International Public Sector Accounting Standards (IPSAS), a robust, publicly recognized set of financial principles to be applied by public sector and non-profit entities, which strengthens accounting and

financial reporting systems. In addition, the Service streamlined business processes in preparation for the management of the United Nations Voluntary Trust Fund for Assistance in Mine Action to be migrated from the Information Management Integrated System to Umoja. The resource management of UNICEF mine action activities is routinely audited, and these audits and other perspectives are presented to the UNICEF Executive Board, as are the results of major evaluations, in line with the principle of transparency. The United Nations is emphasizing to its existing donors the importance of multi-year, unrestricted funding to enable the delivery of mine action in underfunded programmes, the rapid deployment of experts and equipment in response to humanitarian crises and the development of multi-year plans.

72. In 2014, on behalf of the Inter-Agency Coordination Group on Mine Action, the Mine Action Service coordinated and oversaw the process of creating and publishing the Mine Action Project Portfolio for 2015, which presents the mine action needs of more than 20 mine affected countries. This involved designating and managing country Portfolio coordinators from mine-affected countries, who were responsible for working with national authorities, the United Nations and mine action partners to develop and agree upon a country mine action strategy and project proposals. At the Headquarters level, senior staff from UNDP, UNICEF and the Mine Action Service reviewed and approved each country portfolio prior to publishing. As part of this process, the Service also managed the transition to a new software platform and the redesign of the website to provide stakeholders with a more interactive and accessible presentation of mine action funding needs.

IV. Observations and recommendations

73. Mine action is at the core of the post-conflict humanitarian response, as the contamination of mines and explosive remnants of war (explosive remnants of war) remains a major security issue affecting civilian populations, United Nations operations and the sustainment of global peace and security. Mine action enables the safe flight and return of internally displaced persons and refugees and other durable solutions for such persons, helps protect their freedom of movement and ensures access for humanitarian actors and peacekeepers. The United Nations has proven skills in coordinating and providing a rapid and effective response to emergencies and delivering across the five pillars of mine action: clearance; mine/explosive remnants of war risk education; victim assistance; advocacy; and stockpile destruction. I welcome the work of the Global Protection Cluster's Mine Action Area of Responsibility and encourage partners to support its further development.

74. Requests for United Nations emergency humanitarian assistance are increasing, as explosive remnants of war are an inevitable legacy of armed conflict. I request that Member States support a rapid and flexible response by the United Nations through predictable, non-earmarked funding. I call on those States in a position to do so to fund the mine action component of the United Nations humanitarian response and to support increased mainstreaming of mine action in humanitarian planning, funding appeals and relevant Security Council resolutions and mandates.

75. The rise in the number of intra-State conflicts and the expansion in the range of explosive hazards have presented new challenges. I am particularly concerned

about the use of conventional explosive weapons in populated areas, which has a devastating impact on civilians and leaves a legacy of explosive remnants of war for decades. I reiterate my call on parties to conflict to stop the use of explosive weapons with wide-area effects in populated areas. I also urge Member States to support the efforts of the Office for the Coordination of Humanitarian Affairs to collect examples of good practice and develop guidance in this area. The increasing use of improvised explosive devices in today's conflicts is another worrisome trend, and I call on parties to conflict to desist from the use of such weapons and methods. This issue has become a major aspect of various peace and humanitarian operations in the field.

76. I also call on States to strengthen their efforts to protect civilians from explosive hazards through the fulfilment of their obligations under international humanitarian law. I reiterate my call for the universalization of these critical instruments and for compliance in all aspects.

77. Unplanned explosions resulting from unsafe and unsecured ammunition stockpiles located in populated areas continue to wreak havoc in many countries, regardless of a country's level of development. I call on Member States to improve their ammunition management in line with international standards and reiterate the continued support of the United Nations to such efforts.

78. I commend the Inter-Agency Working Group on Coordination for Mine Action for the progress it has made towards the strategic objectives and internal commitments outlined in the Strategy of the United Nations on Mine Action 2013-2018, including those relating to gender guidelines. I reiterate to Member States the United Nations commitment to the full monitoring and evaluating of the mine action activities of Member States in order to enable the effective implementation of the Strategy.

79. I am satisfied with the progress made by the United Nations in the transfer of ownership to national entities, as well as by United Nations support to South-South cooperation. I also welcome the African Union's Mine Action and Explosive Remnants of War Strategic Framework 2014, highlighting that United Nations collaboration with regional organizations strengthens action and encourages enhanced cooperation.

80. The achievements and progress covered in this report are a testament to the success of international humanitarian law relating to mine action, the commitment of States parties to the relevant conventions, the dedication of the United Nations entities involved in mine action and their partners and the success of enhanced United Nations coordination. I call on States parties to stay committed to the task of ridding the world of anti-personnel landmines and realizing the rights of survivors and victims through political will and financial support.

81. I conclude by expressing my gratitude to the mine action personnel working tirelessly towards the United Nations vision of a world free from the threat of landmines and other explosive remnants of war, including cluster munitions, and I condemn, in the strongest terms, all attacks against them.

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Criminal accountability of United Nations officials and experts on mission

Criminal accountability of United Nations officials and experts on mission

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraphs 16 and 17 of General Assembly resolution 69/114. Section II contains information received from Governments on the extent to which jurisdiction, in particular over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, is established under their national laws. Section III provides information on cooperation among States and with the United Nations in the exchange of information and the facilitation of investigations and prosecution of such individuals. Sections IV and V relate to information on activities within the Secretariat.

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I. Introduction

1. In its resolution 69/114, the General Assembly requested the Secretary-General to report to it at its seventieth session on the implementation of the resolution, in particular with respect to paragraphs 3, 5, 8 and 9, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat.

2. By a note verbale dated 21 January 2015, the Secretary-General drew the attention of all States to that resolution and requested them to submit relevant information.

3. The present report provides information on efforts undertaken in that regard. Sections II and III concern activities and information received relating to the criminal accountability of United Nations officials and experts on mission, as required under paragraphs 3 to 5, 9 and 15 of resolution 69/114. There were no comments received from States with respect to paragraph 8, by which Member States were invited to submit further comments on the report of the Group of Legal Experts (A/69/980), including on the question of future action.

4. Sections IV and V of the report relate to activities undertaken within the Secretariat in the implementation of paragraphs 6, 7 and 9 to 14 of the resolution, focusing in particular on information regarding the bringing of credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto.

5. The present report should be read together with previous reports of the Secretary-General under this item (A/69/210, A/68/173, A/67/213, A/66/174 and Add.1, A/65/185, A/64/183 and Add.1 and A/63/260 and Add.1). Attention is also drawn to the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/69/779) (see in particular paras. 56-59).

II. Establishment of jurisdiction over crimes of a serious nature

Croatia

6. Croatia reported that in accordance with article 14, paragraph 4, of the Croatian Criminal Act (*Official Gazette*, Nos. 125/11 and 144/12), when a Croatian citizen participates in peacekeeping operations or other international activities outside the territory of Croatia and commits in such operations or activities a criminal offence, the legislation of Croatia shall apply, unless otherwise provided for by an international treaty to which Croatia is a party. Thus, in accordance with article 14, the criminal law of Croatia shall apply to a Croatian citizen and a person who is resident in Croatia when the offence was committed outside the territory of Croatia, provided that the offence is punishable under the laws of the country in which it was committed, and that the application of the criminal legislation of Croatia is not already established on the basis of real or universal principle. Exceptionally, for certain criminal offences (e.g., rape, serious crimes against sexual freedom and some crimes of sexual exploitation and child abuse), it is not necessary

that the offence be punishable under the laws of the country in which it was committed.

Czech Republic

7. The Czech Republic provided updated information on its previous submissions (see A/63/260, para. 14, and A/64/183, para. 9). In particular, the new Act No. 40/2009 Sb., Criminal Code, was adopted; it entered into force on 1 January 2010. The Criminal Code provides for the application of active personality jurisdiction, with the punishability of an act based on Czech national law. Accordingly, section 6 of the Criminal Code reads as follows:

> The punishability of an act committed abroad by a national of the Czech Republic or by a stateless person holding permanent residence status in the Czech Republic shall likewise be determined on the basis of the law of the Czech Republic.

8. The jurisdiction of Czech courts is further stipulated in Act No. 141/1961 Sb., Criminal Procedure Code, whose section 18(2) states:

> If the place where the act was committed cannot be determined or if the act was committed abroad, the proceedings shall be conducted by the court having jurisdiction over the district where the accused habitually resides, works or is temporarily present, if it is not possible to determine these places or they are outside the territory of the Czech Republic, the proceedings shall be conducted by the court having jurisdiction over the district where the act emerged.

Greece

9. Greece provided complementary information to its previous submissions (see A/63/260, paras. 18-20, and A/68/173, paras. 6 and 7). Greece set out the amendments to article 8 of its Penal Code, which establishes universal jurisdiction for the crimes enumerated therein (high treason, treason against the Greek State, terrorist acts, crimes concerning military service and the obligation for conscription) providing the applicability of Greek penal laws to nationals and foreigners alike, irrespective of the laws of the country in which the act was committed, for the acts committed abroad. It further made amendments to include within their jurisdiction the following additional situations (in bold text):

> [...]
>
> (c) punishable acts committed by persons in their capacity as civil servants/officials of the Greek state **or in their capacity as officials of an organ or organization of the European Union having its seat in Greece**;
>
> (d) acts against or directed to a civil servant/official of the Greek state **or a Greek official of an organ or organization of the European Union** in the exercise of his/her duties or related to his/her duties;
>
> [...]
>
> (h) slave trade, trafficking in human beings, trafficking, child sex tourism (travel with the purpose of the commission of sexual intercourse or

other lascivious acts against minors), **rape or abuse to lascivious acts against minors, seduction of children, abuse of minors to lascivious acts constituting a felony**, child pornography, **pornographic performance of minors**, forced prostitution or sexual abuse of minors for profit **or enforced disappearance of a person**.

10. Greece indicated that, according to article 2 of the Military Penal Code, its provisions are also applicable to acts committed outside Greek territory. The Penal Code's provisions are also applicable to military crimes, unless the Military Penal Code provides otherwise.

11. Greece also noted that no penalty punishable act by Greek armed forces participating in United Nations missions has been reported so far.

Finland[1]

12. During the reporting period, no allegations, investigations or proceedings against Finnish nationals were brought to the attention of Finland, nor were crimes of a serious nature committed by its nationals in the service of the United Nations as officials or experts on missions. Should such allegations be made, however, all appropriate measures would be taken to investigate and prosecute those crimes in accordance with applicable national law.

Lithuania

13. Lithuania reported that its Criminal Code established jurisdiction on the basis of the principle of active nationality, in which citizens as well as permanent residents of Lithuania are criminally liable under the Criminal Code for crimes committed abroad. The Criminal Code also establishes universal jurisdiction under international treaties for certain crimes, such as crimes against humanity and war crimes, trafficking in human beings, money laundering, terrorist activity and several others, regardless of the citizenship and place of residence of the perpetrator or the territory in which the crime has been committed. Lithuania's jurisdiction, therefore, covers those performing the functions of United Nations officials or experts on missions for crimes committed abroad.

14. Lithuania also stated that no allegations against United Nations officials or experts on mission having Lithuanian citizenship have been brought to its attention pursuant to paragraph 9 of resolution 69/114. It further indicated that, should such allegations be brought, Lithuanian legislation provides for their investigation by established national, territorial and universal jurisdiction and procedures that enable the effective conduct of and assistance to criminal investigations and criminal or extradition proceedings in respect of crimes of a serious nature committed by United Nations officials or experts on mission.

[1] See also A/63/260, para. 16, A/64/183/Add.1, paras. 1-4, A/65/185, para. 19, and A/69/210, para. 8.

Qatar[2]

15. Qatar included the text of articles 16 to 19 of Act No. 11 (2004), which promulgates the Penal Code; those articles cover the commission of a crime outside Qatar by nationals and foreigners. In particular, article 18 provides that any Qatari who, while abroad, commits an act considered by the Penal Code to be a felony or misdemeanour shall be punished under the provisions thereof when he returns to Qatar, even if the act is punishable under the law of the country in which the offence was committed. Moreover, by the terms of article 19, no criminal case shall be brought against a person who has been finally acquitted by foreign courts of a crime committed abroad or convicted thereof and has served his sentence, or whose case has lapsed or been barred by time. However, if a person is acquitted of any of the offences stipulated in article 16, paragraph 3, of the Penal Code (crimes committed outside Qatar directed against the external or internal security of the State, or crimes relating to the falsification or forging of official documents or Government seals, marks or stamps, or the falsification, forging or counterfeiting of any currency note or coin used as legal tender in Qatar or the possession or distribution of falsified, forged or counterfeit currencies) on the grounds that it is not an offence under the law of the country in which the crime was committed, a criminal case may be brought before the courts of Qatar.

16. Qatar noted that it participates in the United Nations Interim Force in Lebanon and that no offences or crimes by Qataris working in that force had been recorded.

III. Cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions

Croatia

17. Croatia indicated that international legal assistance in Croatia is based on bilateral and multilateral agreements on legal assistance and, where there is no international agreement, on the basis of national legislation (specifically article 4 of the Act on International Assistance in Criminal Matters (*Official Gazette*, No. 178/04)).

18. Concerning the protection of victims, Croatia set out relevant parts of its Criminal Procedure Code relating to the special regard for victims of crimes and their rights in the proceedings, and highlighted the special protection given to such specific categories of victims as children, victims of crimes against sexual freedom and victims of crimes of human trafficking.

Czech Republic

19. The Czech Republic provided updated information from its previous submissions (see A/63/260, para. 42, and A/64/183, paras. 41-45). It indicated that it

[2] See also A/63/260, para. 30, A/64/183, para. 23, A/65/185, para. 35, A/66/174, para. 16, and A/68/173, para. 11.

is a party to many multilateral conventions and bilateral agreements concerning assistance in criminal matters.

20. Moreover, international cooperation is covered by Act No. 104/2013 Sb., on international judicial cooperation in criminal matters, which entered into force on 1 January 2014. The Act is more detailed than the previous Criminal Procedure Code. It sets forth, for example, that in case of the absence of a relevant treaty, the Ministry of Justice of the Czech Republic may accept or provide a guarantee of reciprocity for international cooperation only after reaching agreement with the Ministry of Foreign Affairs.

21. The Czech Republic also stated that the provision of information is governed by section 6 of Act No. 104/2013 Sb., on international judicial cooperation in criminal matters, which refers to sections 8 (a) to (d) of the Criminal Procedure Code, describing in detail conditions under which information can be provided to host States, including the need to avoid jeopardizing on-going investigations and the integrity of the criminal procedure processes; the protection of personal data and the privacy of minors; and the non-disclosure of information to third parties other than for stated purposes.

22. The Czech Republic also noted that the protection of victims is now set forth in Act No. 45/2013 Sb; part 1 of the Act specifically envisages specialized assistance to the victims of crimes.

Lithuania

23. Lithuania noted that its national legislation and relevant bilateral and multilateral international treaties provide for effective cooperation in affording assistance in relation to criminal investigations and criminal or extradition proceedings, including assistance in obtaining evidence and responding adequately to requests by host States for support and assistance in order to conduct effective investigations in respect of crimes of a serious nature allegedly committed by United Nations officials or experts on mission.

24. Lithuania has also adopted appropriate legislation, including in particular the Law on the protection against criminal influence, in order to provide the effective protection of witnesses and victims of crimes committed by, inter alia, United Nations officials or experts on mission. People affected may also benefit from appropriate aid programmes and seek effective remedy for damages sustained under the general provisions of the Criminal Code, the Code of the Criminal Procedure and other applicable national legislation.

Qatar[3]

25. Qatar provided relevant texts of articles 407 to 424 of Act No. 33 (2004), promulgating the Code of Criminal Procedure; those articles provide detailed procedures for international cooperation with regard to the extradition of convicted people and suspects and the surrender of items. In general terms, without prejudice to the provisions of international conventions in force in Qatar and on condition of

[3] See also A/63/260, para. 53, A/65/185, para. 76, A/66/174, para. 51, and A/68/173, para. 14.

reciprocity, Qatari judicial bodies shall cooperate with foreign and international judicial bodies in the criminal sphere, in accordance with the law.

IV. Bringing credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations are made, and matters relating thereto

26. In paragraphs 9 to 14, 16 and 17 of its resolution 69/114, the General Assembly urged Member States to provide information to the Secretary-General, requested the Secretary-General to provide certain information to States and to report to the Assembly and requested the United Nations to take certain measures concerning the issue of criminal accountability of officials and experts on mission.

Referrals in relation to officials or experts on mission

27. The request in paragraph 9 of the resolution is similar to those made by the Assembly in paragraph 9 of its resolutions 68/105 (see A/69/210, covering 2013/14), 67/88 (see A/68/173, covering 2012/13), 66/93 (see A/67/213, covering 2011/12), 65/20 (see A/66/174 and Add.1, covering 2010/11), 64/110 (see A/65/185, covering 2009/10), 63/119 (see A/64/183 and Add.1, covering 2008/09) and 62/63 (see A/63/260 and Add.1, covering 2007/08).

28. The information provided in the present report relates to the period from 1 July 2014 to 30 June 2015. During that period, and with reference to the request in paragraph 17 of the resolution, the Office of Legal Affairs referred to States of nationality, through the Permanent Missions concerned, the cases of 22 United Nations officials and experts on mission for investigation and possible prosecution. Of those cases, the first concerned allegations of procurement fraud and the abuse of authority; the second, allegations of fraud and the abuse of authority; the third and fourth, allegations of attempted embezzlement; the fifth, allegations of fraud and forgery; the sixth and seventh, allegations of embezzlement; the eighth to twelfth, allegations of medical insurance fraud; the thirteenth, allegations of a fraudulent education grant claim; the fourteenth, allegations of the sexual abuse of a minor; the fifteenth, allegations of embezzlement; the sixteenth, allegations of fraudulent salary disbursements; the seventeenth, allegations of medical insurance fraud; the eighteenth and nineteenth, allegations of the misuse of information and communications technology resources; the twentieth, allegations of fraud and embezzlement; the twenty-first, allegations of sexual exploitation and the abuse of a minor; and the twenty-second, allegations of fraud and embezzlement.

Requests for indication of status and assistance that may be provided by the Secretariat

29. The Office of Legal Affairs requested the States to which cases were referred during the reporting period to keep the United Nations informed of any action taken by national authorities in relation to such cases. As at the date of preparation of the present report, the Office has been contacted by States to which referrals were made

with respect to the cases of 10 officials or experts on mission, noting that such cases had been raised with the relevant authorities. In four of those cases, the State concerned has also requested specific assistance from the United Nations. The Secretariat remains ready to assist on all referrals made. Responses to requests by the Secretariat for information from States of nationality on cases previously referred to them are contained within the reports of the Secretary-General on criminal accountability of United Nations officials and experts on mission for the corresponding periods.

30. Details of earlier requests by the Secretariat for information from States as to how they were handling cases previously referred to them are contained within the previous reports of the Secretary-General on the subject (see A/64/183, para. 63, A/65/185, paras. 85 and 86, A/66/174, paras. 62 and 63, A/67/213, paras. 36 and 37, A/68/173, paras. 19 and 20, and A/69/210, paras. 15 and 16).

Possible use by States exercising jurisdiction of information from United Nations investigations

31. In paragraph 11 of its resolution 69/114, the General Assembly requested the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations. In the same vein, in paragraph 13 of that resolution, the Assembly urged the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States.

32. In that regard, it is important to recall that the legal framework within which the referrals are made by the United Nations and the role of the Secretary-General have been outlined in the report of the Secretary-General on criminal accountability of United Nations officials and experts on mission (A/63/260, sect. IV).

33. The United Nations cooperates with law enforcement and the judicial authorities of relevant Member States in accordance with its rights and obligations under the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, as well as other relevant international agreements and applicable legal principles. Accordingly, the Organization will disclose documents and/or information and, on a case-by-case basis, immunity will be waived by the Secretary-General where immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Consequently, information obtained by the United Nations may be provided to the relevant authorities and documents may be shared, subject to consideration of confidentiality and privileges and immunities. Documents may be redacted where necessary. It should be noted that, since the United Nations does not have any criminal investigative or prosecutorial jurisdiction, the use of any information or documents provided by the United Nations, including their admissibility in any legal proceedings, is a matter for determination by the relevant judicial authorities to whom such information or documents have been provided.

Protection of United Nations officials and experts on mission from retaliation

34. In paragraph 12 of its resolution 69/114, the General Assembly encouraged the United Nations, when allegations against United Nations officials or experts on mission are determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and the reputation of such officials and experts on mission. Moreover, the Assembly, in paragraph 14 of the same resolution, emphasized that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission.

35. In that regard, United Nations officials who report misconduct by other United Nations officials or experts on mission are protected against retaliation under the staff regulations, rules and relevant administrative issuances. In particular, the Secretary-General issued bulletin ST/SGB/2005/21, entitled "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations", which was established to protect individuals who report misconduct or cooperate with duly authorized audits or investigations. In addition, it should be noted that staff members may appeal against any retaliatory measure through the internal justice system.

V. Other practical measures to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training

36. With support from conduct and discipline personnel, all United Nations personnel deployed in peacekeeping and special political missions continue to receive training, including awareness-raising, concerning their obligation to respect the United Nations standards of conduct, including the obligation for all United Nations personnel to observe the laws of the host State, and also concerning possible consequences, in terms of accountability, should United Nations personnel fail to observe such laws.

37. The accountability framework discussed in the previous report of the Secretary-General (A/69/210) was implemented in July 2014 and, since that time, peacekeeping missions have been reporting, on a quarterly basis, on cooperation with host States regarding the investigation and prosecution of criminal offences involving the United Nations or its personnel as victims, or when such offences are committed by United Nations personnel, where applicable.